

ORDERS FROM JANUARY 22 THROUGH  
MARCH 19, 1973

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JANUARY 22, 1973

*Affirmed on Appeal*

No. 72-524. MARYLAND PEOPLE'S PARTY ET AL. *v.* MANDEL, GOVERNOR OF MARYLAND, ET AL. Affirmed on appeal from D. C. Md. MR. JUSTICE BRENNAN would dismiss the appeal as moot.

*Appeal Dismissed*

No. 72-638. LAKE CHARLES AMERICAN PRESS *v.* FRANCIS. Appeal from Sup. Ct. La. dismissed for want of substantial federal question. MR. JUSTICE DOUGLAS would postpone question of jurisdiction to hearing of case on the merits. MR. JUSTICE BRENNAN would dismiss appeal for want of jurisdiction, being of the view that the decision of the Louisiana Supreme Court was based on an adequate state ground. Reported below: 262 La. 875, 265 So. 2d 206.

*Certiorari Granted—Vacated and Remanded*

No. 72-5119. ROSS *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Motion for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Ham v. South Carolina*, 409 U. S. 524 (1973). Reported below: — Mass. —, 282 N. E. 2d 70.

*Miscellaneous Orders*

No. 59, Orig. UNITED STATES *v.* NEVADA ET AL. Motion of Association on American Indian Affairs, Inc., for leave to file a brief as *amicus curiae* in support of motion for leave to file bill of complaint granted. Motion for leave to file bill of complaint set for oral argument in due course.

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No. A-762. SIGLER, CHAIRMAN, BOARD OF PAROLE, ET AL. v. BERRIGAN ET AL. C. A. D. C. Cir. Application for stay, presented to THE CHIEF JUSTICE, and by him referred to the Court, granted. Reported below: 154 U. S. App. D. C. 334, 475 F. 2d 918.

MR. JUSTICE DOUGLAS, dissenting from the grant of the stay by the Court.

I agree with Mr. Justice Black in his dissent in *Zemel v. Rusk*, 381 U. S. 1, 20, that the power to regulate the right to travel is vested in Congress and not in the Executive Branch. There is no law barring the Berrigans from foreign travel to North Vietnam; there is no law barring paroled citizens from travel in foreign countries.\* It is not enough to argue that the State Department has determined that the proposed foreign travel is not in the national interest.

The right to travel is a peripheral right of every citizen under the First Amendment. *Zemel v. Rusk, supra*, at 24 (DOUGLAS, J., dissenting). Therefore, no travel could be prohibited except under a narrowly drawn statute. In my dissent in *Zemel*, I enumerated several national interests which might support a restriction on the right to travel; none of those interests exists here. To the contrary, the national interest embodied in the First Amendment right to freedom of speech and information would be furthered by such a visit. As in *Zemel*, the danger feared here is the contact of the Berrigans with a Communist regime. "The world, however, is filled with Communist thought . . . . [Communist regimes] are part of the world spectrum; and if we are to know them and under-

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\*Title 28 CFR § 2.28 (c) provides that "Board approval shall be required for travel outside the continental limits of the United States . . . ." Like all action by federal governmental officials, the powers of the Parole Board may be exercised only with regard to constitutional restraints. No purpose of fleeing the country is even suggested.

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stand them, we must mingle with them . . . ." *Id.*, at 25. Keeping alive intellectual intercourse between seemingly opposing groups has always been important, and is even more important in view of the bridges of communication long destroyed between this country and North Vietnam which are now being restored. Part of the restoration of these bridges has been the allowance by North Vietnam of many United States citizens to visit that country as well as the peace negotiations under way for some months.

The ability to understand this pluralistic world filled with clashing ideologies is a prerequisite of any hope for world peace. The late Pope John XXIII in his famous encyclical *Pacem in Terris* emphasized that without knowledge and understanding among all peoples there can be no hope for love and peace. One of the best ways to insure this knowledge and understanding is to allow the people of the world to mingle freely with one another.

I would allow the respondents their constitutional right to travel.

No. A-570. *FULLER v. MICHIGAN*. Ct. App. Mich. Application for bail presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied.

No. A-634. *MARION ET AL. v. UNITED STATES*. C. A. 6th Cir. Application for bail presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied.

No. A-674. *B. P. O. E. LODGE No. 2043 OF BRUNSWICK ET AL. v. INGRAHAM ET AL.* Appeal from Sup. Jud. Ct. Me. Application for stay of mandate presented to MR. JUSTICE REHNQUIST, and by him referred to the Court, granted. Reported below: 297 A. 2d 607.

No. A-740. *GRIT ET AL. v. WOLMAN ET AL.* D. C. S. D. Ohio. Application for stay of judgment presented to MR. JUSTICE STEWART, and by him referred to the Court, denied. Reported below: 353 F. Supp. 744.

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No. 71-224. SWENSON, WARDEN *v.* STIDHAM, 409 U. S. 224. Motion of respondent to modify this Court's opinion is hereby granted. The penultimate paragraph of the opinion is amended by striking the sentence reading, "Neither the District Court nor the Court of Appeals reached this issue" and substituting therefor the following: "The Court of Appeals did not reach this issue."\*

No. 72-214. ATCHISON, TOPEKA & SANTA FE RAILWAY CO. ET AL. *v.* WICHITA BOARD OF TRADE ET AL.; and

No. 72-433. INTERSTATE COMMERCE COMMISSION *v.* WICHITA BOARD OF TRADE ET AL. Appeals from D. C. Kan. [Probable jurisdiction noted, 409 U. S. 1005.] Motion of appellants for additional time for oral argument and for two counsel to argue granted. Five additional minutes allotted to both appellants and appellees for that purpose.

No. A-721 (72-434). BYRN, GUARDIAN *v.* NEW YORK CITY HEALTH & HOSPITALS CORP. ET AL. Appeal from Ct. App. N. Y. Application for temporary restraining order presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Reported below: 31 N. Y. 2d 194, 286 N. E. 2d 887.

No. 72-630. HALL ET AL. *v.* COLE. C. A. 2d Cir. [Certiorari granted, 409 U. S. 1074.] Motion to dismiss writ as improvidently granted denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.

No. 72-5323. KEEBLE *v.* UNITED STATES. C. A. 5th Cir. [Certiorari granted, 409 U. S. 1037.] Motion of William J. Janklow, Esquire, to permit Mark V. Meierhenry, Esquire, to argue *pro hac vice* on behalf of petitioner granted.

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\*[REPORTER'S NOTE: The opinion is reported as so amended at 409 U. S. 224.]

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NO. 72-147. BULLOCK, SECRETARY OF STATE OF TEXAS, ET AL. *v.* REGESTER ET AL. Appeal from D. C. W. D. Tex. [Probable jurisdiction noted, 409 U. S. 840.] Motion of appellees for additional time and for permission for more than one counsel to argue granted. Fifteen additional minutes allotted to both appellees and appellants for that purpose.

NO. A-714 (72-917). TURNOF *v.* UNITED STATES. C. A. 2d Cir. Application for stay of judgment of conviction of the United States District Court for the Southern District of New York presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied.

NO. A-761 (72-977). JACK *v.* UNITED STATES. C. A. 2d Cir. Application for stay of judgment presented to MR. JUSTICE BLACKMUN, and by him referred to the Court, denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this application.

NO. D-3. IN RE DISBARMENT OF KONIGSBERG. It having been reported to this Court that Sidney Konigsberg of New York, New York, has been disbarred from the practice of law in all the courts of the State of New York, and this Court by order of November 6, 1972 [409 U. S. 974], having suspended the said Sidney Konigsberg from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that the time within which to file a return has expired;

IT IS ORDERED that the said Sidney Konigsberg be, and he is hereby, disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

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No. D-6. *IN RE DISBARMENT OF YUDOW*. It having been reported to this Court that Daniel D. Yudow of New York, New York, has been disbarred from the practice of law in all the courts of the State of New York, and this Court by order of November 6, 1972 [409 U. S. 975], having suspended the said Daniel D. Yudow from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that the time within which to file a return has expired;

IT IS ORDERED that the said Daniel D. Yudow be, and he is hereby, disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

No. D-7. *IN RE DISBARMENT OF SCHERMAN*. It having been reported to this Court that Benjamin B. Scherman of New York, New York, has been disbarred from the practice of law in all the courts of the State of New York, and this Court by order of November 6, 1972 [409 U. S. 975], having suspended the said Benjamin B. Scherman from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that the time within which to file a return has expired;

IT IS ORDERED that the said Benjamin B. Scherman be, and he is hereby, disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

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No. 72-5460. PILACIOS *v.* BRITTON, WARDEN; and  
No. 72-5629. SPROUSE *v.* UNITED STATES. Motions  
for leave to file petitions for writs of habeas corpus denied.

No. 72-5705. McDONALD *v.* MOTT ET AL.; and  
No. 72-5768. PENNA *v.* NIXON, PRESIDENT OF THE  
UNITED STATES, ET AL. Motions for leave to file peti-  
tions for writs of mandamus and other relief denied.

*Probable Jurisdiction Noted*

No. 72-459. SLOAN, TREASURER OF PENNSYLVANIA,  
ET AL. *v.* LEMON ET AL.; and

No. 72-620. CROUTER *v.* LEMON ET AL. Appeals from  
D. C. E. D. Pa. Probable jurisdiction noted. Cases  
consolidated and a total of one hour allotted for oral  
argument. These cases to be argued immediately follow-  
ing consolidated cases Nos. 72-694, 72-753, 72-791, and  
72-929 [immediately *infra*]. Reported below: 340 F.  
Supp. 1356.

No. 72-694. COMMITTEE FOR PUBLIC EDUCATION &  
RELIGIOUS LIBERTY ET AL. *v.* NYQUIST, COMMISSIONER OF  
EDUCATION OF NEW YORK, ET AL.;

No. 72-753. ANDERSON *v.* COMMITTEE FOR PUBLIC ED-  
UCATION & RELIGIOUS LIBERTY ET AL.;

No. 72-791. NYQUIST, COMMISSIONER OF EDUCATION  
OF NEW YORK, ET AL. *v.* COMMITTEE FOR PUBLIC EDU-  
CATION & RELIGIOUS LIBERTY ET AL.;

No. 72-929. CHERRY ET AL. *v.* COMMITTEE FOR PUBLIC  
EDUCATION & RELIGIOUS LIBERTY ET AL. Appeals from  
D. C. S. D. N. Y. Probable jurisdiction noted. Cases  
consolidated and a total of two hours allotted for oral  
argument. Reported below: 350 F. Supp. 655.

*Certiorari Granted.* (See also No. 72-438, *ante*, p. 257.)

No. 72-822. RENEGOTIATION BOARD *v.* BANNERCRAFT  
CLOTHING Co., INC., ET AL. C. A. D. C. Cir. Certiorari  
granted. Reported below: 151 U. S. App. D. C. 174, 466  
F. 2d 345.

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No. 72-312. MERRILL LYNCH, PIERCE, FENNER & SMITH, INC. *v.* WARE. Ct. App. Cal., 1st App. Dist. Certiorari granted. Reported below: 24 Cal. App. 3d 35, 100 Cal. Rptr. 791.

No. 72-397. BONELLI CATTLE CO. ET AL. *v.* ARIZONA ET AL. Sup. Ct. Ariz. Certiorari granted. MR. JUSTICE REHNQUIST took no part in the consideration or decision of this petition. Reported below: 107 Ariz. 465, 489 P. 2d 699, and 108 Ariz. 258, 495 P. 2d 1312.

*Certiorari Denied*

No. 71-1097. YUMICH ET AL. *v.* CITY OF CHICAGO; and

No. 71-1098. CITY OF CHICAGO *v.* YUMICH ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 452 F. 2d 59.

No. 71-5991. SELLERS *v.* SOUTH CAROLINA. Sup. Ct. S. C. Certiorari denied. Reported below: 257 S. C. 35, 183 S. E. 2d 889.

No. 72-480. RIDGEWAY *v.* OHIO. Ct. App. Ohio, Montgomery County. Certiorari denied.

No. 72-511. CALIFORNIA *v.* HILLS. App. Dept., Super. Ct. Cal., County of San Francisco. Certiorari denied.

No. 72-647. CALIFORNIA *v.* FOREMAN. App. Dept., Super. Ct. Cal., County of Los Angeles. Certiorari denied.

No. 72-675. BROWN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 464 F. 2d 590.

No. 72-692. DENTAMARO ET AL. *v.* UNITED STATES;

No. 72-693. IACOVETTI *v.* UNITED STATES; and

No. 72-5659. CARDILLO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 466 F. 2d 1147.

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No. 72-681. *ERNST v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 465 F. 2d 1403.

No. 72-701. *BARR ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 72-704. *JOHNSON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 467 F. 2d 804.

No. 72-705. *FIRST STATE BANK OF CROSSETT, ARKANSAS v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 465 F. 2d 1264.

No. 72-708. *NOA ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 463 F. 2d 355.

No. 72-710. *CITIZENS OF INDIANAPOLIS FOR QUALITY SCHOOLS, INC., ET AL. v. UNITED STATES ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 466 F. 2d 573.

No. 72-717. *BONANNO ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 467 F. 2d 14.

No. 72-720. *BLACKWELL v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 152 U. S. App. D. C. 325, 470 F. 2d 1234.

No. 72-721. *DISLA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 72-726. *LOCAL 1291, INTERNATIONAL LONGSHOREMEN'S ASSN. v. HODGSON, SECRETARY OF LABOR*. C. A. 3d Cir. Certiorari denied. Reported below: 461 F. 2d 1262.

No. 72-736. *MILLER, AKA MULLER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 467 F. 2d 129.

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No. 72-741. *MY STORE, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 7th Cir. Certiorari denied. Reported below: 468 F. 2d 1146.

No. 72-755. *TRIPP v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 468 F. 2d 569.

No. 72-756. *BERNARD SCREEN PRINTING CORP. v. UNIVERSAL TERMINAL & STEVEDORING CORP.* C. A. 2d Cir. Certiorari denied. Reported below: 464 F. 2d 934.

No. 72-767. *BUDDIES SUPERMARKETS, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. Reported below: 461 F. 2d 847.

No. 72-771. *PHOENIX MUTUAL LIFE INSURANCE CO. v. MONTAGUE, TRUSTEE*. C. A. 4th Cir. Certiorari denied.

No. 72-799. *ELLER ET AL. v. BOARD OF EDUCATION OF PRINCE GEORGES COUNTY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 468 F. 2d 894.

No. 72-821. *PEACOCK v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 48 Ala. App. 391, 265 So. 2d 175.

No. 72-834. *HUBBARD ET AL. v. AMMERMAN ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 465 F. 2d 1169.

No. 72-5218. *GOFF v. NEW YORK*. App. Term, Sup. Ct. N. Y., 2d and 11th Jud. Dists. Certiorari denied.

No. 72-5368. *TYLER v. LARK, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 72-5381. *HORSLEY v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 72-5453. *MOORE v. BOUNDS, CORRECTIONS COMMISSIONER*. C. A. 4th Cir. Certiorari denied.

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No. 72-5434. *HINTON v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 31 N. Y. 2d 71, 286 N. E. 2d 265.

No. 72-5464. *RICHARDSON v. RUNDLE, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied. Reported below: 461 F. 2d 860.

No. 72-5469. *PETERSON v. SLAYTON, PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied.

No. 72-5542. *SANTELLANES v. UNITED STATES*; and  
No. 72-5657. *TELLEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 463 F. 2d 1136.

No. 72-5622. *NICHOLS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 466 F. 2d 998.

No. 72-5630. *MCINTYRE ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 467 F. 2d 274.

No. 72-5639. *MAZATINI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 72-5652. *MELLENDEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 72-5668. *McFADDEN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 458 F. 2d 440.

No. 72-5673. *TRIGG v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 72-5682. *JONES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 447 F. 2d 589.

No. 72-5686. *DE TIENNE v. UNITED STATES*; and  
No. 72-5812. *ASKINS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 468 F. 2d 151.

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No. 72-5683. *BOYDEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 463 F. 2d 229.

No. 72-5684. *SMITH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 467 F. 2d 283.

No. 72-5692. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 466 F. 2d 535.

No. 72-5699. *PAYNE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 467 F. 2d 828.

No. 72-5703. *DODD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 72-5708. *O'DAY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 467 F. 2d 1387.

No. 72-5714. *FARRIES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 72-5742. *JONES v. TAYLOR, U. S. DISTRICT JUDGE*. C. A. 6th Cir. Certiorari denied.

No. 72-5748. *HENDERSON v. EASTERN FREIGHTWAYS, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 460 F. 2d 258.

No. 72-5749. *WASHINGTON v. MANCUSI, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 72-5750. *MERRITT v. FANNING ET AL.* C. A. 8th Cir. Certiorari denied.

No. 72-5755. *AGNEW v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE (COUNTY OF RIVERSIDE ET AL., REAL PARTIES IN INTEREST)*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 72-5811. *LARGE v. OHIO*. Ct. App. Ohio, Lucas County. Certiorari denied.

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No. 72-5778. *HOHENSEE v. PENNSYLVANIA DEPARTMENT OF HIGHWAYS*. Pa. Commw. Ct. Certiorari denied.

No. 72-5782. *HOHENSEE v. PENNSYLVANIA PUBLIC UTILITY COMMISSION ET AL.* Pa. Commw. Ct. Certiorari denied.

No. 72-5823. *DANEFF v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 30 N. Y. 2d 793, 286 N. E. 2d 273.

No. 72-408. *MALAVARCO v. UNITED STATES*; and  
No. 72-566. *CURICO v. UNITED STATES*. C. A. 2d Cir. Motion to dispense with printing petition in No. 72-566 granted. Certiorari denied. Reported below: 467 F. 2d 610.

No. 72-689. *ACREE v. UNITED STATES*. C. A. 10th Cir. Motion to dispense with printing petition granted. Certiorari denied. Reported below: 466 F. 2d 1114.

No. 72-744. *FIERRO-SOZA v. UNITED STATES*. C. A. 9th Cir. Motion to dispense with printing petition granted. Certiorari denied. Reported below: 467 F. 2d 484.

No. 72-718. *KIRSHNIT v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 72-725. *ROBBINS TIRE & RUBBER Co., INC. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 462 F. 2d 684.

No. 72-769. *KNUTH ET AL. v. ERIE-CRAWFORD DAIRY COOPERATIVE ASSN. ET AL.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 463 F. 2d 470.

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No. 72-623. TIERNEY ET AL. v. UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 465 F. 2d 806.

MR. JUSTICE DOUGLAS, dissenting.

Petitioners and other Irish-Americans living in New York were subpoenaed to appear before a federal grand jury sitting in the Northern District of Texas. Even though they had been granted immunity under 18 U. S. C. §§ 6002-6003, petitioners refused to answer various questions regarding the purchase of firearms in the United States. Petitioners were held in civil contempt.

Petitioners based their refusal to testify on the grounds that their counsel had been overheard on a Government wiretap two days prior to their appearance before the grand jury, and that the use immunity they had been granted under 18 U. S. C. §§ 6002-6003 was ineffective to protect them against foreign prosecution. At the time the contempt hearing was held before the District Court, the Government alleged that there were no overhearings of the petitioners' counsel, and the District Court held that there was no substantial possibility of foreign prosecution. By the time the appeal was heard by the Court of Appeals, the Government had disclosed the wiretapped conversation, which the Court of Appeals examined *in camera*, and determined was not relevant to the petitioners. The Court of Appeals sustained the determination of contempt. 465 F. 2d 806.

I granted petitioners bail pending the determination of their petition for certiorari on the ground that the issues presented were substantial. 409 U. S. 1232 (in chambers). I would grant certiorari for the same reason.

In my dissent from denial of certiorari in *Russo v. Byrne*, 409 U. S. 1013, I pointed out the Court's concern in *Alderman v. United States*, 394 U. S. 165, with the necessity of allowing the parties themselves to assess

and argue whether or not overhearings were relevant to their specific case. An *in camera* determination of relevancy will seldom, if ever, be a sufficient safeguard against the governmental interference with the constitutionally protected area of right to counsel. In the instant case, upon admitting that the overhearing had occurred, the Government stated that it was "in connection with a separate aspect of the investigation." If the overhearing had anything to do with the grand jury investigation for which petitioners were called as witnesses, no one but petitioners and their counsel were in a position to determine in what ways the conversation might relate to overall strategy or defense. The right to counsel is especially important to a person involved in a grand jury investigation. Numerous and complex rights and liabilities are often involved, yet the average citizen may have even less knowledge of these rights than of his rights as a defendant in a criminal proceeding. Anything which undermines the effective assistance of counsel will severely handicap those who are forced to testify.

The Court itself in *Zicarelli v. New Jersey State Commission of Investigation*, 406 U. S. 472, 481, although not deciding the questions raised by the possibility of testimony for which a witness had been granted §§ 6002-6003 immunity being used against him in a foreign prosecution, indicated the constitutional importance of such questions. In the instant case, the possibility of foreign prosecution is not insignificant. There are indications that the impetus for the grand jury investigation was the request of foreign powers.<sup>1</sup> It is not enough to say

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<sup>1</sup> News articles in both the New York Times, July 17, 1972, and in the Dallas Morning News, June 23, 1972, indicated that the British Government had requested that the Nixon administration take steps to cut off the alleged flow of arms from the United States to Northern Ireland.

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that petitioners are not subject to a foreign jurisdiction: At any time petitioners could be traveling in a foreign country or find themselves the subjects of various international extradition treaties. Neither is it an answer that grand jury testimony is secret. There are innumerable circumstances in which access to grand jury testimony can be had.<sup>2</sup>

I would grant the writ of certiorari.

No. 72-5538. *CASTRO-CASTRO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 464 F. 2d 336.

No. 72-5547. *KILLS PLENTY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 466 F. 2d 240.

No. 72-5645. *SEWAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 468 F. 2d 236.

No. 72-5662. *HITCHCOCK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 467 F. 2d 1107.

No. 72-5665. *WRIGHT v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 466 F. 2d 1256.

No. 72-5693. *JOHNSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 466 F. 2d 1210.

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<sup>2</sup> A witness' compelled grand jury testimony can be used as a basis for a perjury prosecution, wherein an *in camera* proceeding would violate the accused's right to a public trial. In addition, grand jury testimony is regularly disclosed to criminal defendants without a court order pursuant to *Brady v. Maryland*, 373 U. S. 83, and *Jencks v. United States*, 353 U. S. 657.

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No. 72-5839. *JOHNSON v. BOARD OF PUBLIC INSTRUCTION OF DADE COUNTY, FLORIDA, ET AL.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 72-758. *UNITED TRANSPORTATION UNION v. CHICAGO & NORTH WESTERN RAILWAY Co.*; and

No. 72-789. *UNITED TRANSPORTATION UNION v. CHICAGO & NORTH WESTERN RAILWAY Co.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE BRENNAN would grant certiorari.

No. 72-5773. *MARCELIN v. MANCUSI, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari because on reading the record and Judge Kaufman's dissent in the Court of Appeals, 462 F. 2d 36, 46, he believes a substantial question is raised whether petitioner had effective assistance of counsel in the trial for murder. Cf. *Ellis v. United States*, 356 U. S. 674, 675. Reported below: 462 F. 2d 36.

*Rehearing Denied*

No. 71-1497. *BECK v. CONNECTICUT GENERAL LIFE INSURANCE Co.*, 409 U. S. 845 and 1093; and

No. 71-6873. *NEELY v. FIELD, U. S. DISTRICT JUDGE, ET AL.*, 409 U. S. 871 and 1050. Motions for leave to file second petitions for rehearing denied.

No. 72-553. *IN RE SCHWARZ*, 409 U. S. 1047. Motion to dispense with printing petition for rehearing granted. Petition for rehearing denied.

No. 72-5223. *O'CLAIR v. UNITED STATES*, 409 U. S. 986. Motion for leave to file petition for rehearing denied.

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No. 71-1465. *ROSENTHAL v. ARKANSAS LOUISIANA FINANCE CORP.*, 409 U. S. 1037;

No. 72-484. *FELLAND v. SCHAEFER ET AL.*, 409 U. S. 1031;

No. 72-589. *KRAUSE, ADMINISTRATOR v. OHIO*, 409 U. S. 1052;

No. 72-5301. *NUGENT v. UNITED STATES*, 409 U. S. 1065;

No. 72-5313. *DUNK ET AL. v. MANUFACTURERS LIGHT & HEAT Co.*, 409 U. S. 1078;

No. 72-5408. *JACKSON v. BOHLINGER*, 409 U. S. 1043;

No. 72-5420. *OLDEN v. WILSON, WARDEN, ET AL.*, 409 U. S. 1044; and

No. 72-5515. *HARMON v. RICHARDSON, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*, 409 U. S. 1063. Petitions for rehearing denied.

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##### *Miscellaneous Orders*

No. A-789. *VAUGHNS ET AL. v. BOARD OF EDUCATION OF PRINCE GEORGES COUNTY, MARYLAND, ET AL.*; and

No. A-790. *VAUGHNS ET AL. v. BOARD OF EDUCATION OF PRINCE GEORGES COUNTY, MARYLAND, ET AL.* C. A. 4th Cir. Applications for stays presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. MR. JUSTICE BRENNAN, MR. JUSTICE BLACKMUN, and MR. JUSTICE POWELL took no part in the consideration or decision of these applications.

#### FEBRUARY 5, 1973

##### *Dismissal Under Rule 60*

No. 72-750. *SIEGEL ET UX. v. UNITED STATES.* C. A. 9th Cir. Petition for writ of certiorari dismissed under Rule 60 of the Rules of this Court. Reported below: 464 F. 2d 891.

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*Dismissal Under Rule 60*

No. 72-5851. BARR ET UX *v.* THORP CREDIT, INC. Sup. Ct. Iowa. Petition for writ of certiorari dismissed under Rule 60 of the Rules of this Court. Reported below: 200 N. W. 2d 535.

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*Affirmed on Appeal*

No. 72-719. NON-RESIDENT TAXPAYERS ASSOCIATION OF PENNSYLVANIA AND NEW JERSEY ET AL. *v.* MURRAY, SHERIFF, ET AL. Affirmed on appeal from D. C. E. D. Pa. Reported below: 347 F. Supp. 399.

No. 72-886. PRIGMORE ET UX. *v.* RENFRO ET AL. Affirmed on appeal from D. C. N. D. Ala. Reported below: 356 F. Supp. 427.

No. 72-889. TOLPO ET AL. *v.* BULLOCK, SECRETARY OF STATE OF TEXAS. Affirmed on appeal from D. C. E. D. Tex.

No. 72-811. NORTH CAROLINA UTILITIES COMMISSION ET AL. *v.* INTERSTATE COMMERCE COMMISSION ET AL. Affirmed on appeal from D. C. E. D. N. C. MR. JUSTICE POWELL took no part in the consideration or decision of this case. Reported below: 347 F. Supp. 103.

No. 72-823. NADER ET AL. *v.* UNITED STATES ET AL. Affirmed on appeal from D. C. Conn. MR. JUSTICE DOUGLAS would note probable jurisdiction and set case for oral argument on issue of right of intervention. Reported below: 349 F. Supp. 22.

No. 72-5789. WARNER ET AL. *v.* TROMBETTA, DIRECTOR, PENNSYLVANIA BUREAU OF TRAFFIC SAFETY, ET AL. Affirmed on appeal from D. C. M. D. Pa. MR. JUSTICE DOUGLAS would note probable jurisdiction and set case for oral argument. Reported below: 348 F. Supp. 1068.

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*Appeals Dismissed*

No. 71-6886. *GLADDEN v. LOUISIANA*. Appeal from Sup. Ct. La. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 260 La. 735, 257 So. 2d 388.

No. 72-808. *ANDERSON v. OREGON*. Appeal from Ct. App. Ore. Motion to dispense with printing jurisdictional statement granted. Appeal dismissed for want of substantial federal question. Reported below: 6 Ore. App. 22, 485 P. 2d 446.

No. 72-5642. *TILLMAN v. MARYLAND*. Appeal from D. C. Md. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 72-829. *LEGGETT, DBA INVESTIGATIONS, LTD. v. OHIO DEPARTMENT OF COMMERCE, DIVISION OF LICENSING*. Appeal from Ct. App. Ohio, Hamilton County, dismissed for want of substantial federal question.

No. 72-902. *WOJTYCHA v. NEW JERSEY*. Appeal from Super. Ct. N. J. dismissed for want of substantial federal question. Reported below: See 62 N. J. 78, 299 A. 2d 76.

No. 72-897. *HOFFMAN ET AL. v. CITY OF CINCINNATI*. Appeal from Sup. Ct. Ohio dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. MR. JUSTICE DOUGLAS would note probable jurisdiction and set case for oral argument on issue of systematic exclusion of voters between the ages of 18 and 21 from the jury. Reported below: 31 Ohio St. 2d 163, 285 N. E. 2d 714.

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No. 72-931. *HANDLERY, TRUSTEE, ET AL. v. CALIFORNIA FRANCHISE TAX BOARD*. Appeal from Ct. App. Cal., 1st App. Dist., dismissed for want of substantial federal question. Reported below: 26 Cal. App. 3d 970, 103 Cal. Rptr. 465.

*Miscellaneous Orders*

No. A-811. *AGUAYO ET AL. v. WEINBERGER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL.* C. A. 2d Cir. Application for stay or writ of injunction presented to MR. JUSTICE MARSHALL and by him referred to the Court, denied. Reported below: 473 F. 2d 1090.

No. D-9. *IN RE DISBARMENT OF THALER*. It is ordered that Seymour R. Thaler of New York, New York, be suspended from the practice of law in this Court and that a rule issue returnable within 40 days requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 59, Orig. *UNITED STATES v. NEVADA ET AL.* Motion of Pyramid Lake Paiute Tribe of Indians for leave to participate in oral argument as *amicus curiae* denied.

No. 71-1442. *COLGROVE v. BATTIN*, U. S. DISTRICT JUDGE. C. A. 9th Cir. [Certiorari granted, 409 U. S. 841.] Motion of California Trial Lawyers Assn. for leave to file a brief as *amicus curiae* in support of petitioner granted.

No. 71-1553. *GILLIGAN, GOVERNOR OF OHIO, ET AL. v. MORGAN ET AL.* C. A. 6th Cir. [Certiorari granted, 409 U. S. 947.] Motion of petitioners to restrict issues denied inasmuch as the issues upon which certiorari is granted cannot be expanded by an *amicus curiae*. See Rule 23 (1)(c) of the Rules of this Court.

No. 72-178. *STRUCK v. SECRETARY OF DEFENSE ET AL.*, 409 U. S. 1071. Motion for double costs denied.

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No. 71-1623. BULLOCK, SECRETARY OF STATE OF TEXAS *v.* WEISER ET AL. Appeal from D. C. N. D. Tex. [Probable jurisdiction noted, 409 U. S. 947.] Motion of appellees to divide oral argument denied.

No. 72-212. CUPP, PENITENTIARY SUPERINTENDENT *v.* MURPHY. C. A. 9th Cir. [Certiorari granted, 409 U. S. 1036.] Motion of Americans for Effective Law Enforcement, Inc., et al. for leave to file a brief as *amici curiae* granted.

No. 72-535. UNITED STATES ET AL. *v.* STUDENTS CHALLENGING REGULATORY AGENCY PROCEDURES (SCRAP) ET AL.; and

No. 72-562. ABERDEEN & ROCKFISH RAILROAD CO. ET AL. *v.* STUDENTS CHALLENGING REGULATORY AGENCY PROCEDURES (SCRAP) ET AL. Appeals from D. C. D. C. [Probable jurisdiction noted, 409 U. S. 1073.] Motion of appellee SCRAP for leave to dispense with printing brief granted. Motion of appellants for additional time for oral argument granted and 15 additional minutes allotted for that purpose. Appellees likewise granted 15 additional minutes for oral argument. Motion of John F. Banzhaf III, Esquire, to permit Peter H. Meyers, Esquire, to argue *pro hac vice* on behalf of appellee SCRAP granted. Motion of Philip Elman, Esquire, to permit John F. Dienelt, Esquire, to argue *pro hac vice* on behalf of appellees Environmental Defense Fund et al. granted.

No. 72-770. COMMISSIONER OF SOCIAL SERVICES OF NEW YORK ET AL. *v.* KLEIN ET AL.; and

No. 72-803. NASSAU COUNTY MEDICAL CENTER ET AL. *v.* KLEIN ET AL. Appeals from D. C. E. D. N. Y. The Solicitor General is invited to file a brief expressing the views of the United States on the statutory issue. Reported below: 347 F. Supp. 496.

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No. 72-846. BALL, DIRECTOR, DEPARTMENT OF AGRICULTURE OF MICHIGAN, ET AL. *v.* ARMOUR & CO. ET AL. C. A. 6th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States. Reported below: 468 F. 2d 76.

No. 72-851. ONEIDA INDIAN NATION OF NEW YORK ET AL. *v.* COUNTY OF ONEIDA, NEW YORK, ET AL. C. A. 2d Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States. Reported below: 464 F. 2d 916.

No. 72-943. FISHER ET AL. *v.* GRAVES ET AL. Appeal from D. C. Me. The Solicitor General is invited to file a brief in this case expressing the views of the United States. Reported below: 361 F. Supp. 1356.

No. 72-1026. DURHAM *v.* McLEOD, ATTORNEY GENERAL OF SOUTH CAROLINA, ET AL. Appeal from Sup. Ct. S. C. Motion to expedite consideration denied. Reported below: 259 S. C. 409, 192 S. E. 2d 202.

No. A-630 (72-1126). HATTERSLEY *v.* TEXAS. Ct. Crim. App. Tex. Application for stay and/or recall of mandate of Court of Criminal Appeals of Texas presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. Reported below: 487 S. W. 2d 354.

No. 72-5401. CASON *v.* CITY OF COLUMBUS, 409 U. S. 1053. Appellee is directed to file a response to petition for rehearing and to motion for leave to supplement petition for rehearing within 30 days.

No. 72-510. FALKNER ET UX. *v.* BROWN, CHIEF JUDGE, U. S. COURT OF APPEALS. Motion to dispense with printing petition for writ of mandamus and respondent's brief granted. Motion for leave to file petition for writ of mandamus denied.

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No. 72-5766. MORTON *v.* UNITED STATES ET AL.;  
No. 72-5774. JOHNSON *v.* MEACHAM, WARDEN, ET AL.;  
No. 72-5820. POLK *v.* HENDERSON, WARDEN;  
No. 72-5901. SIMMS *v.* WYOMING ET AL.;  
No. 72-5916. THERIAULT *v.* LAMB, SHERIFF; and  
No. 72-5932. SANDERS *v.* NELSON, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

No. 72-5565. BRUTON *v.* MATTHES, CHIEF JUDGE, U. S. COURT OF APPEALS, ET AL.; and

No. 72-5841. ALVAREZ *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA ET AL. Motions for leave to file petitions for writs of mandamus denied.

No. 72-5854. RUDERER *v.* WEBSTER, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this motion.

No. 72-5788. MAGEE *v.* CARROW ET AL. Motion for leave to file petition for writ of prohibition denied.

*Probable Jurisdiction Noted*

No. 72-331. LEFKOWITZ, ATTORNEY GENERAL OF NEW YORK, ET AL. *v.* TURLEY ET AL. Appeal from D. C. W. D. N. Y. Probable jurisdiction noted. Reported below: 342 F. Supp. 544.

No. 72-848. UNITED STATES DEPARTMENT OF AGRICULTURE ET AL. *v.* MURRY ET AL. Appeal from D. C. D. C. Motion of appellees for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. Reported below: 348 F. Supp. 242.

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*Certiorari Granted*

No. 72-617. *GERTZ v. ROBERT WELCH, INC.* C. A. 7th Cir. Certiorari granted. Reported below: 471 F. 2d 801.

No. 72-734. *UNITED STATES v. CALANDRA.* C. A. 6th Cir. Certiorari granted. Reported below: 465 F. 2d 1218.

No. 72-888. *ZAHN ET AL. v. INTERNATIONAL PAPER CO.* C. A. 2d Cir. Motion of National Council of Senior Citizens et al. for leave to file a brief as *amici curiae* granted. Certiorari granted. Reported below: 469 F. 2d 1033.

No. 72-5794. *DAVIS v. ALASKA.* Sup. Ct. Alaska. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question 1 presented by the petition which reads as follows:

"Did the trial court err in not permitting cross examination of chief identification witness Green concerning the nature of his juvenile record to bring before the jury the fact that Green was himself on probation for burglary at the time of the identification, thereby denying petitioner his Sixth Amendment right to confrontation?" Reported below: 499 P. 2d 1025.

No. 72-5847. *ALEXANDER v. GARDNER-DENVER CO.* C. A. 10th Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 466 F. 2d 1209.

*Certiorari Denied.* (See also Nos. 71-6886, 72-5642, and 72-897, *supra.*)

No. 71-5510. *IRVING v. CASSCLES, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari denied. Reported below: 448 F. 2d 741.

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No. 72-137. *WU v. NATIONAL ENDOWMENT FOR THE HUMANITIES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 460 F. 2d 1030.

No. 72-425. *McDONALD v. OHIO.* Sup. Ct. Ohio. Certiorari denied.

No. 72-643. *RAPPA v. UNITED STATES*; and

No. 72-5756. *D'ALOISIO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 72-677. *BOARD OF EDUCATION OF THE MEMPHIS CITY SCHOOLS ET AL. v. NORTHCROSS ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 466 F. 2d 890.

No. 72-682. *LOCAL UNION 749, INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP BUILDERS, BLACKSMITHS, FORGERS & HELPERS, AFL-CIO v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 151 U. S. App. D. C. 172, 466 F. 2d 343.

No. 72-724. *BARHAM v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 466 F. 2d 1138.

No. 72-731. *LINDSTROM v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 465 F. 2d 1406.

No. 72-740. *J. P. STEVENS & Co., INC., ET AL. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 2d Cir. Certiorari denied. Reported below: 464 F. 2d 1326.

No. 72-743. *TORTORELLO v. UNITED STATES*;

No. 72-766. *CALABRO v. UNITED STATES*;

No. 72-5730. *CONFORTI v. UNITED STATES*;

No. 72-5733. *CONFORTI v. UNITED STATES*; and

No. 72-5909. *PICCIANO ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 467 F. 2d 973.

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No. 72-751. *RUBEO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 72-757. *HEISLER ET UX. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 463 F. 2d 375.

No. 72-763. *LIPTON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 467 F. 2d 1161.

No. 72-764. *WALLER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 468 F. 2d 327.

No. 72-772. *STRAWN v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 10th Cir. Certiorari denied. Reported below: 464 F. 2d 457.

No. 72-774. *COOPER v. FLORIDA BOARD OF DENTISTRY*. Sup. Ct. Fla. Certiorari denied. Reported below: See 265 So. 2d 432.

No. 72-776. *CITY WELDING & MANUFACTURING Co. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 3d Cir. Certiorari denied. Reported below: 463 F. 2d 254.

No. 72-783. *SEELEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 467 F. 2d 571.

No. 72-788. *GERNIE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 72-793. *HOUSING AUTHORITY OF THE CITY OF OMAHA, NEBRASKA, ET AL. v. UNITED STATES HOUSING AUTHORITY ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 468 F. 2d 1.

No. 72-796. *MCCORMICK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 468 F. 2d 68.

No. 72-797. *BOWERS ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

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No. 72-798. STRIPLING ET AL. *v.* JEFFERSON COUNTY BOARD OF EDUCATION ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 466 F. 2d 1213.

No. 72-800. MAITA ET AL. *v.* ALCOHOLIC BEVERAGE CONTROL APPEALS BOARD OF CALIFORNIA. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 72-807. ROMEO ET UX. *v.* UNITED STATES ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 462 F. 2d 1036.

No. 72-809. PERMISOHN ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 72-810. GRAVES ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Certiorari denied. Reported below: 458 F. 2d 631.

No. 72-813. CAPONIGRO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 465 F. 2d 374.

No. 72-814. MID-CONTINENT SPRING COMPANY OF KENTUCKY *v.* MITCHELL. C. A. 6th Cir. Certiorari denied. Reported below: 466 F. 2d 24.

No. 72-820. CASSINO ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 467 F. 2d 610.

No. 72-825. UNIVERSITY OF SOUTHERN CALIFORNIA *v.* COST OF LIVING COUNCIL ET AL. U. S. Temp. Emergency Ct. App. Certiorari denied. Reported below: 472 F. 2d 1065.

No. 72-830. LEWIS, SECRETARY OF STATE OF ILLINOIS *v.* ILLINOIS STATE EMPLOYEES UNION, COUNCIL 34, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 473 F. 2d 561.

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No. 72-827. DETROIT BANK & TRUST Co., EXECUTOR *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 467 F. 2d 964.

No. 72-831. UNARCO INDUSTRIES, INC., ET AL. *v.* KELLEY Co., INC. C. A. 7th Cir. Certiorari denied. Reported below: 465 F. 2d 1303.

No. 72-832. WALTER ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 466 F. 2d 63.

No. 72-838. GREER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 467 F. 2d 1064.

No. 72-840. LIND, GUARDIAN *v.* HALE. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 263 So. 2d 654.

No. 72-841. ECLIPSE FUEL ENGINEERING Co. *v.* MAXON PREMIX BURNER Co., INC. C. A. 7th Cir. Certiorari denied. Reported below: 471 F. 2d 308.

No. 72-845. ADOLPH COORS Co. *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. C. A. 10th Cir. Certiorari denied. Reported below: 464 F. 2d 1270.

No. 72-854. VALE DO RI DOCE NAVEGACAI, S. A. *v.* KYZAR. C. A. 5th Cir. Certiorari denied. Reported below: 464 F. 2d 285.

No. 72-856. PECOS COUNTY STATE BANK *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 466 F. 2d 1040.

No. 72-858. GATEWOOD *v.* MARYLAND. Ct. App. Md. Certiorari denied.

No. 72-862. POTTER *v.* MOULDINGS, INC. C. A. 5th Cir. Certiorari denied. Reported below: 465 F. 2d 1101.

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No. 72-861. *WAITKUS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 470 F. 2d 18.

No. 72-866. *COOPER v. FLORIDA STATE BOARD OF DENTISTRY*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 265 So. 2d 432.

No. 72-867. *ROTEK, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari denied.

No. 72-868. *BRICKER v. CRANE ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 468 F. 2d 1228.

No. 72-882. *POWELL v. SOUTH JERSEY NATIONAL BANK ET AL.* Sup. Ct. N. J. Certiorari denied.

No. 72-891. *BRYANT, ADMINISTRATRIX, ET AL. v. INTERNATIONAL UNION, UNITED MINE WORKERS OF AMERICA, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 467 F. 2d 1.

No. 72-892. *LOUIS ENDER, INC. v. GENERAL FOODS CORP.* C. A. 2d Cir. Certiorari denied. Reported below: 467 F. 2d 327.

No. 72-903. *AALCO WRECKING Co., INC. v. FIREMAN'S FUND INSURANCE Co. ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 466 F. 2d 179.

No. 72-904. *KROLL v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 4 Ill. App. 3d 203, 280 N. E. 2d 528.

No. 72-906. *BAILEY ET AL. v. CONSOLIDATION COAL Co. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 467 F. 2d 1124.

No. 72-919. *OLYMPIC INSURANCE Co. v. H. D. HARRISON, INC., DBA HARRISON'S INSURANCE SERVICE*. C. A. 5th Cir. Certiorari denied. Reported below: 463 F. 2d 1049.

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No. 72-909. *J. M. WOOD MANUFACTURING Co., INC. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 466 F. 2d 201.

No. 72-910. *BURGER v. ANDERSON, GOVERNOR OF MONTANA, ET AL.* Sup. Ct. Mont. Certiorari denied. Reported below: — Mont. —, 500 P. 2d 921.

No. 72-913. *CHERAMIE v. LOUISIANA.* Ct. App. La., 1st Cir. Certiorari denied. Reported below: 263 So. 2d 487.

No. 72-921. *NEWPORT ASSOCIATES, INC. v. SOLOW.* Ct. App. N. Y. Certiorari denied. Reported below: 30 N. Y. 2d 263, 283 N. E. 2d 600.

No. 72-928. *DROBNICK ET AL. v. ANDRULIS, EXECUTRIX.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 4 Ill. App. 3d 436, 281 N. E. 2d 417.

No. 72-934. *GORDON, RECEIVER v. NATIONWIDE MUTUAL INSURANCE Co.* Ct. App. N. Y. Certiorari denied. Reported below: 30 N. Y. 2d 427, 285 N. E. 2d 849.

No. 72-935. *TOWNSHIP OF FREEHOLD v. SCHERE ET AL.* Super. Ct. N. J. Certiorari denied. Reported below: 119 N. J. Super. 433, 292 A. 2d 35.

No. 72-939. *DOWELL v. AETNA LIFE INSURANCE Co.* C. A. 4th Cir. Certiorari denied. Reported below: 468 F. 2d 802.

No. 72-945. *SCOTT v. NEW JERSEY.* Super. Ct. N. J. Certiorari denied.

No. 72-947. *GILLIES v. AERONAVES DE MEXICO, S. A.* C. A. 5th Cir. Certiorari denied. Reported below: 468 F. 2d 281.

No. 72-950. *REED v. REED.* Ct. App. Ky. Certiorari denied. Reported below: 484 S. W. 2d 844.

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No. 72-949. FORT WORTH NATIONAL BANK ET AL. *v.* COGDELL ET AL. Ct. Civ. App. Tex., 11th Sup. Jud. Dist. Certiorari denied. Reported below: 482 S. W. 2d 337.

No. 72-987. SOLIS ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 469 F. 2d 1113.

No. 72-5312. THOMPSON *v.* ZELKER, CORRECTIONAL SUPERINTENDENT. C. A. 2d Cir. Certiorari denied.

No. 72-5319. JONES *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 482 S. W. 2d 194.

No. 72-5343. ROSS *v.* NORTH CAROLINA. C. A. 4th Cir. Certiorari denied.

No. 72-5358. CORBY *v.* VINCENT, CORRECTIONAL SUPERINTENDENT. C. A. 2d Cir. Certiorari denied.

No. 72-5413. JEFFERIES *v.* ILLINOIS. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 6 Ill. App. 3d 648, 285 N. E. 2d 592.

No. 72-5472. GRACE *v.* LAVALLEE, CORRECTIONAL SUPERINTENDENT. C. A. 2d Cir. Certiorari denied.

No. 72-5477. BITTAKER *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 72-5509. LEFEBRE *v.* CADY, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 72-5546. GONCALVES *v.* CARDWELL, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 72-5591. WHITE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 467 F. 2d 630.

No. 72-5648. PINEDA *v.* CRAVEN, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 465 F. 2d 999.

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No. 72-5618. *LEBRUN v. CUPP, PENITENTIARY SUPERINTENDENT*. Sup. Ct. Ore. Certiorari denied.

No. 72-5661. *PETERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 467 F. 2d 892.

No. 72-5670. *LEE v. UNITED STATES*; and

No. 72-5676. *ARMSTRONG ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 463 F. 2d 1136.

No. 72-5677. *HESSEL v. ARIZONA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 465 F. 2d 958.

No. 72-5687. *SCALIA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 464 F. 2d 1301.

No. 72-5688. *HOUSTON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 467 F. 2d 1226.

No. 72-5689. *HEAVLOW v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 468 F. 2d 842.

No. 72-5711. *GRIDER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 72-5712. *HIGGINBOTHAM v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 72-5713. *FRONIABARGER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 467 F. 2d 845.

No. 72-5715. *BROWN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 72-5721. *GONZALEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 72-5726. *FURGERSON v. CASPER*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

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No. 72-5727. *WEBSTER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 468 F. 2d 769.

No. 72-5728. *BORKENHAGEN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 468 F. 2d 43.

No. 72-5729. *BLANKENSHIP v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 465 F. 2d 1406.

No. 72-5737. *DEATON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 468 F. 2d 541.

No. 72-5738. *GOLIDAY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 468 F. 2d 170.

No. 72-5739. *LYNOTT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 468 F. 2d 622.

No. 72-5740. *PEREZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 72-5741. *MUNCASTER v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied.

No. 72-5747. *THOMPSON v. BREWER, JUDGE, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 72-5751. *ARCHER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 457 F. 2d 948.

No. 72-5753. *ADLER v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 72-5754. *SAN MARTIN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 469 F. 2d 5.

No. 72-5759. *SIGNER v. CINCINNATI BAR ASSN.* Sup. Ct. Ohio. Certiorari denied. Reported below: 30 Ohio St. 2d 303, 285 N. E. 2d 10.

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No. 72-5757. *GURLEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 72-5760. *NUTTER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 72-5761. *WARFORD v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: 293 Minn. 339, 200 N. W. 2d 301.

No. 72-5762. *ALLEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 468 F. 2d 612.

No. 72-5763. *MILLER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 468 F. 2d 1041.

No. 72-5764. *THOMAS ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 468 F. 2d 422.

No. 72-5767. *PELTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 465 F. 2d 952.

No. 72-5769. *WREN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 72-5771. *JAKALSKI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 72-5772. *NOBLE v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 72-5775. *QUINN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 467 F. 2d 624.

No. 72-5777. *DONELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 469 F. 2d 85.

No. 72-5779. *JACKSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 468 F. 2d 1388.

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No. 72-5780. *JEFFERSON v. SLAYTON, PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied.

No. 72-5781. *DENMAN ET AL. v. BERKMAN*. C. A. 6th Cir. Certiorari denied.

No. 72-5784. *JOHNSON v. HENDERSON, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 72-5786. *TARZWELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 72-5787. *ROUNDTREE v. BRIERLEY, WARDEN*. C. A. 3d Cir. Certiorari denied.

No. 72-5790. *ALLEN v. FOSTER*. C. A. 4th Cir. Certiorari denied.

No. 72-5795. *WILLIAMS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 465 F. 2d 1406.

No. 72-5798. *COLE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 72-5803. *MCCRAY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 72-5804. *FEDDER v. NELSON, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 72-5805. *FUSELIER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 72-5806. *ERVIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 464 F. 2d 1021.

No. 72-5816. *CUMMINS v. OHIO*. Ct. App. Ohio, Logan County. Certiorari denied.

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No. 72-5810. *MELLER v. SWENSON, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 72-5807. *MARSHALL v. HENDERSON, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 72-5814. *ANDERSON v. SCHOENY ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 72-5817. *BURROUGHS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 72-5818. *ACRES v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. Reported below: 484 S. W. 2d 534.

No. 72-5821. *PERONDI ET AL. v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 72-5822. *VORT v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 72-5825. *MAGEE v. CLOVIN, JUDGE, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 72-5826. *FARROW v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. Reported below: 61 N. J. 434, 294 A. 2d 873.

No. 72-5827. *ALEXANDER v. PROCUNIER, CORRECTIONS DIRECTOR, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 72-5832. *JOHNSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 462 F. 2d 423.

No. 72-5834. *HARLING v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 72-5837. *GUZMAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 468 F. 2d 1245.

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No. 72-5836. *DADDANO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 72-5840. *PREZZI v. COOPER*, U. S. DISTRICT JUDGE. C. A. 2d Cir. Certiorari denied.

No. 72-5843. *WRIGHT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 72-5844. *PETERSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 72-5846. *WILSON v. SLAYTON*, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied.

No. 72-5848. *GOYNES ET UX. v. BURNS ET AL.* Ct. Sp. App. Md. Certiorari denied. Reported below: 15 Md. App. 293, 290 A. 2d 165.

No. 72-5850. *TERRELL, AKA TERRY v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 294 A. 2d 860.

No. 72-5853. *NOORLANDER v. ATTORNEY GENERAL OF THE UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 465 F. 2d 1106.

No. 72-5855. *BRINGHURST v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 468 F. 2d 604.

No. 72-5856. *TANZELLA v. DEVOS*. Ct. App. Md. Certiorari denied.

No. 72-5858. *HARVEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 464 F. 2d 1286.

No. 72-5867. *JACQUILLON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 469 F. 2d 380.

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No. 72-5863. BITTINGER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 72-5864. FISHMAN *v.* FISHMAN. Sup. Ct. Va. Certiorari denied.

No. 72-5870. HILL *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 469 F. 2d 673.

No. 72-5871. HAIRSTON *v.* BRANTLEY, WARDEN, ET AL. C. A. 7th Cir. Certiorari denied.

No. 72-5872. THOMAS ET AL. *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 72-5873. BRIDDLE ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 72-5874. STEBBINS *v.* STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. ET AL. C. A. 4th Cir. Certiorari denied.

No. 72-5878. DENMAN ET AL. *v.* ESTATE OF GOODRICH. C. A. 6th Cir. Certiorari denied.

No. 72-5879. SALAS *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 7 Cal. 3d 812, 500 P. 2d 7.

No. 72-5882. WALKER *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 48 Ala. App. 518, 266 So. 2d 322.

No. 72-5883. PISCIOTTA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 72-5884. YOUNG *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 72-5905. STEBBINS *v.* NATIONWIDE MUTUAL INSURANCE CO. ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 469 F. 2d 268.

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No. 72-5885. *SELLARS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 72-5890. *TATUM v. HAWKINS ET AL.* C. A. 7th Cir. Certiorari denied.

No. 72-5894. *WILLIAMS v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 72-5900. *LEAGUE v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 72-5907. *RUSO v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 52 Ill. 2d 425, 288 N. E. 2d 412.

No. 72-5914. *ANDERSON v. FRODERMAN ET AL.* Sup. Jud. Ct. Mass. Certiorari denied.

No. 72-5923. *HOLCOMB v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 484 S. W. 2d 929 and 938.

No. 72-5926. *WAGGONER v. CRAMER ET AL.* C. A. 6th Cir. Certiorari denied.

No. 72-5927. *HINTON v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 52 Ill. 2d 239, 287 N. E. 2d 657.

No. 72-5937. *ODEN v. COX, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 72-5941. *WILLIAMS v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 72-5944. *CARTER v. FERGUSON, JUDGE*. C. A. 5th Cir. Certiorari denied.

No. 72-5949. *YARNAL v. BRIERLEY, WARDEN*. C. A. 3d Cir. Certiorari denied. Reported below: 468 F. 2d 816.

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No. 72-5952. *Voss v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 6 Ill. App. 3d 362, 285 N. E. 2d 816.

No. 72-5954. *LIGHTLE v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 210 Kan. 415, 502 P. 2d 834.

No. 72-5955. *GLENN ET AL. v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 72-5962. *FRISCO v. ILLINOIS*. App. Ct. Ill., 1st Jud. Dist. Certiorari denied. Reported below: 4 Ill. App. 3d 1034, 283 N. E. 2d 277.

No. 72-5965. *CUNNINGHAM, ADMINISTRATRIX v. COLUMBIA UNION CONFERENCE OF SEVENTH DAY ADVENTISTS, INC., TRADING AS HADLEY MEMORIAL HOSPITAL, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 72-5976. *SCOTT v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 52 Ill. 2d 432, 288 N. E. 2d 478.

No. 72-5983. *JENKINS v. COWAN, PENITENTIARY SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 471 F. 2d 292.

No. 72-6019. *COTHRUM v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 503 P. 2d 1298.

No. 71-6522. *SCHWARTZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 457 F. 2d 895.

No. 71-6763. *WALKER v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

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No. 72-5991. *DeVito v. Vincent, Correctional Superintendent*. C. A. 2d Cir. Certiorari denied.

No. 72-407. *Maita v. Superior Court of California, County of San Mateo, et al.* Ct. App. Cal., 1st App. Dist. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 72-738. *Parisi v. United States*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 72-773. *Hilburn et al. v. Butz, Secretary of Agriculture, et al.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 463 F. 2d 1207.

No. 72-775. *Bates v. Alabama*. Ct. Crim. App. Ala. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 48 Ala. App. 489, 266 So. 2d 155.

No. 72-816. *Rattenni v. United States*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 467 F. 2d 610.

No. 72-826. *Broussard v. Patton et al.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 466 F. 2d 816.

No. 72-839. *Williams v. Mississippi Export Railroad*. Sup. Ct. Miss. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 266 So. 2d 28.

No. 72-852. *Zatsky v. United States*; and

No. 72-933. *Leisner v. United States*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 469 F. 2d 336.

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No. 72-855. ALLEGHENY AIRLINES, INC. *v.* PENNSYLVANIA PUBLIC UTILITY COMMISSION ET AL. C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 465 F. 2d 237.

No. 72-869. BOOTSTRAP TRADING CO., INC. *v.* PHOENIX TALLOW CO. ET AL. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 72-880. BRUSH *v.* SAN FRANCISCO NEWSPAPER PRINTING Co. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 469 F. 2d 89.

No. 72-896. ILLINOIS STATE EMPLOYEES UNION, COUNCIL 34, AMERICAN FEDERATION OF STATE, COUNTY, & MUNICIPAL EMPLOYEES, AFL-CIO, ET AL. *v.* LEWIS, SECRETARY OF STATE OF ILLINOIS. C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 473 F. 2d 561.

No. 72-900. McDOWELL *v.* TEXAS BOARD OF MENTAL HEALTH AND MENTAL RETARDATION ET AL. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 465 F. 2d 1342.

No. 72-920. ZORN *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 31 N. Y. 2d 134, 286 N. E. 2d 706.

No. 72-926. HORELICK *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 30 N. Y. 2d 453, 285 N. E. 2d 864.

No. 72-5475. MARTIN *v.* BRIERLEY, WARDEN. C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 464 F. 2d 529.

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No. 72-5414. *DANIELS v. LOUISIANA*. Sup. Ct. La. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 262 La. 475, 263 So. 2d 859.

No. 72-5494. *GARDNER ET AL. v. THOMPSON, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 464 F. 2d 1031.

No. 72-5503. *SHARP v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 7 Cal. 3d 448, 499 P. 2d 489.

No. 72-5504. *BRYAN ET AL. v. CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 7 Cal. 3d 575, 498 P. 2d 1079.

No. 72-5512. *JONES v. SUPERINTENDENT, VIRGINIA STATE FARM*. C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 460 F. 2d 150.

No. 72-5525. *REYNOLDS v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 483 S. W. 2d 747.

No. 72-5576. *PEREZ v. TURNER, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 462 F. 2d 1056.

No. 72-5799. *ALBANY WELFARE RIGHTS ORGANIZATION DAY CARE CENTER, INC., ET AL. v. SCHRECK, COMMISSIONER, ALBANY COUNTY DEPARTMENT OF SOCIAL SERVICES, ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 463 F. 2d 620.

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No. 72-5720. *TORRES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 72-5765. *TAFOYA v. ALASKA*. Sup. Ct. Alaska. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 500 P. 2d 247.

No. 72-5785. *INZERILLO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 468 F. 2d 1084.

No. 72-5796. *PETILLO v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 61 N. J. 165, 293 A. 2d 649.

No. 72-5809. *JOUBERT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 468 F. 2d 952.

No. 72-5819. *JOHNSON v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 466 F. 2d 528.

No. 72-5857. *VELASQUEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 469 F. 2d 264.

No. 72-5861. *SOSA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 469 F. 2d 271.

No. 72-5868. *VASQUEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 468 F. 2d 565.

No. 72-5948. *CURTIS v. ZELKER, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 466 F. 2d 1092.

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No. 72-5880. GREEN, AKA LEWIS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 72-5979. McMANUS ET AL. *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 263 La. 164, 267 So. 2d 559.

No. 71-1672. GUTHRIE ET AL. *v.* ALABAMA BY-PRODUCTS CO. ET AL. C. A. 5th Cir. Motion of Environmental Defense Fund for leave to file brief as *amicus curiae* granted. Certiorari denied. MR. JUSTICE DOUGLAS, MR. JUSTICE BRENNAN, and MR. JUSTICE WHITE would grant certiorari. Reported below: 456 F. 2d 1294.

No. 72-245. SCARBOROUGH *v.* MISSISSIPPI. Sup. Ct. Miss. Motion to dispense with printing petition granted. Certiorari denied. Reported below: 261 So. 2d 475.

No. 72-690. HYLAND *v.* PAROLE AND COMMUNITY SERVICES DIVISION, CALIFORNIA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Motion to dispense with printing petition granted. Certiorari denied.

No. 72-784. PERSICO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. Reported below: 467 F. 2d 485.

No. 72-850. MANNING ET AL. *v.* GENERAL MOTORS CORP. C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 466 F. 2d 812.

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No. 72-881. WAINWRIGHT, CORRECTIONS DIRECTOR *v.* ARRANT. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 468 F. 2d 677.

No. 72-5607. SIRHAN *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE WHITE took no part in the consideration or decision of this petition. Reported below: 7 Cal. 3d 710, 497 P. 2d 1121.

*Rehearing Denied*

No. 70-5260. HARPER *v.* CICCONE, MEDICAL CENTER DIRECTOR, 404 U. S. 841;

No. 71-1648. NAPOLITANO *v.* WARD, JUSTICE, SUPREME COURT OF ILLINOIS, ET AL., 409 U. S. 1037;

No. 71-6759. HUTCHINSON *v.* CRAVEN, WARDEN, 409 U. S. 979;

No. 72-590. ANDERS *v.* UNITED STATES, 409 U. S. 1064; and

No. 72-5430. FLETCHER *v.* BRIERLEY, CORRECTIONAL SUPERINTENDENT, 409 U. S. 1044. Motions for leave to file petitions for rehearing denied.

No. 72-564. BOARD OF EDUCATION OF CENTRAL DISTRICT NO. 1 OF THE TOWN OF ADDISON ET AL. *v.* JAMES, 409 U. S. 1042. Motion of Commissioner of Education for leave to file a brief as *amicus curiae* in support of rehearing granted. Motion for leave to file petition for rehearing denied.

No. 72-5513. CORRADO, DBA PERRY'S SECOND HAND PLUMBING *v.* PROVIDENCE REDEVELOPMENT AGENCY, 409 U. S. 1003; and

No. 72-5514. CORRADO *v.* PROVIDENCE REDEVELOPMENT AGENCY, 409 U. S. 1011. Motion for leave to file petitions for rehearing now and a later date denied.

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- No. 71-36. CALIFORNIA ET AL. *v.* LARUE ET AL., 409 U. S. 109;
- No. 71-6449. ELLINGBURG *v.* GOODSON, JUDGE, ET AL., 409 U. S. 1106;
- No. 72-388. GERACE ET VIR *v.* COUNTY OF LOS ANGELES ET AL., 409 U. S. 1012;
- No. 72-602. HARSH BUILDING CO. ET AL. *v.* BIALAC ET AL., 409 U. S. 1060;
- No. 72-5170. SAYLES *v.* NUNZIO ET AL., JUDGES, 409 U. S. 1071;
- No. 72-5244. RIGDON *v.* UNITED STATES, 409 U. S. 1116;
- No. 72-5468. CARR *v.* TEXAS, 409 U. S. 1099;
- No. 72-5497. CLIZER *v.* UNITED STATES, 409 U. S. 1086;
- No. 72-5527. SZIJARTO *v.* NELSON, WARDEN, 409 U. S. 1073;
- No. 72-5530. ARNOLD *v.* OLIVER, JUDGE, 409 U. S. 1071;
- No. 72-5583. ESCOFIL *v.* COMMISSIONER OF INTERNAL REVENUE, 409 U. S. 1112;
- No. 72-5587. RITCH ET AL. *v.* TARRANT COUNTY HOSPITAL DISTRICT, 409 U. S. 1079;
- No. 72-5614. CHAMPAGNE ET AL. *v.* PENROD DRILLING Co., 409 U. S. 1113; and
- No. 72-5666. OTTOMANO *v.* UNITED STATES, 409 U. S. 1128. Petitions for rehearing denied.

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*Affirmed on Appeal*

No. 71-439. BARLOW, DISTRICT ATTORNEY OF BEXAR COUNTY, ET AL. *v.* GALLANT ET AL. Affirmed on appeal from D. C. W. D. Tex.

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*Appeals Dismissed*

No. 72-434. *BYRN, GUARDIAN v. NEW YORK CITY HEALTH & HOSPITALS CORP. ET AL.* Appeal from Ct. App. N. Y. Motion to postpone jurisdiction until hearing of appeal on the merits denied. Appeal dismissed for want of substantial federal question. *Roe v. Wade, ante*, p. 113. Reported below: 31 N. Y. 2d 194, 286 N. E. 2d 887.

No. 72-806. *RAMSAY TRAVEL, INC., ET AL. v. KONDO, DIRECTOR OF TAXATION OF HAWAII.* Appeal from Sup. Ct. Haw. dismissed for want of substantial federal question. MR. JUSTICE DOUGLAS would note probable jurisdiction and set case for oral argument. Reported below: 53 Haw. 419, 495 P. 2d 1172.

No. 72-5829. *FLESCH v. OHIO.* Appeal from Ct. App. Ohio, Franklin County, dismissed for want of substantial federal question. MR. JUSTICE DOUGLAS would note probable jurisdiction and set case for oral argument.

No. 72-5925. *RUDERER v. SESSIONS ET AL.* Appeal from D. C. W. D. Tex. dismissed for want of jurisdiction. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this appeal.

No. 72-5935. *RUDERER v. KLEINDIENST, ATTORNEY GENERAL.* Appeal from D. C. D. C. dismissed for want of jurisdiction. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this appeal.

*Vacated and Remanded on Appeal*

No. 70-89. *RODGERS ET AL. v. DANFORTH, ATTORNEY GENERAL OF MISSOURI, ET AL.* Appeal from D. C. W. D. Mo. Motion of appellees to dismiss for failure to timely docket appeal denied. Judgment vacated and case remanded for further consideration in light of *Roe v. Wade, ante*, p. 113, and *Doe v. Bolton, ante*, p. 179.

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No. 70-105. HANRAHAN, STATE'S ATTORNEY OF COOK COUNTY *v.* DOE ET AL.; and

No. 70-106. HEFFERNAN, GUARDIAN *v.* DOE ET AL. Appeals from D. C. N. D. Ill. Motion to vacate stay heretofore granted by MR. JUSTICE MARSHALL granted. Judgment vacated and cases remanded for further consideration in light of *Roe v. Wade, ante*, p. 113. Reported below: 321 F. Supp. 1385.

No. 71-92. CORKEY ET AL. *v.* EDWARDS ET AL. Appeal from D. C. W. D. N. C. Judgment vacated and case remanded for further consideration in light of *Roe v. Wade, ante*, p. 113, and *Doe v. Bolton, ante*, p. 179. Reported below: 322 F. Supp. 1248.

No. 71-1200. THOMPSON *v.* TEXAS. Appeal from Ct. Crim. App. Tex. Judgment vacated and case remanded for further consideration in light of *Roe v. Wade, ante*, p. 113.

No. 71-5666. DOE *v.* RAMPTON, GOVERNOR OF UTAH, ET AL. Appeal from D. C. Utah. Motion of appellant for leave to proceed *in forma pauperis* granted. Judgment vacated and case remanded for further consideration in light of *Roe v. Wade, ante*, p. 113.

No. 72-631. MUNSON *v.* SOUTH DAKOTA. Appeal from Sup. Ct. S. D. Judgment vacated and case remanded for further consideration in light of *Roe v. Wade, ante*, p. 113. Reported below: 86 S. D. 663, 201 N. W. 2d 123.

No. 72-256. CROSSEN ET AL. *v.* ATTORNEY GENERAL OF KENTUCKY ET AL. Appeal from D. C. E. D. Ky. Judgment vacated and case remanded for further consideration in light of *Roe v. Wade, ante*, p. 113. Reported below: 344 F. Supp. 587.

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No. 72-56. MARKLE ET AL. *v.* ABELE ET AL. Appeal from D. C. Conn. Judgment vacated and case remanded for consideration of question of mootness of this appeal. Reported below: 342 F. Supp. 800.

No. 72-730. MARKLE ET AL. *v.* ABELE ET AL. Appeal from D. C. Conn. Judgment vacated and case remanded for further consideration in light of *Roe v. Wade, ante*, p. 113, and *Doe v. Bolton, ante*, p. 179. Reported below: 351 F. Supp. 224.

No. 72-957. SASAKI *v.* KENTUCKY. Appeal from Ct. App. Ky. Judgment vacated and case remanded for further consideration in light of *Roe v. Wade, ante*, p. 113. Reported below: 485 S. W. 2d 897.

*Certiorari Granted—Vacated and Remanded.* (See also No. 72-686, *ante*, p. 425.)

No. 72-69. KRUZE *v.* OHIO. Sup. Ct. Ohio. *Certiorari* granted, judgment vacated, and case remanded for further consideration in light of *Roe v. Wade, ante*, p. 113.

#### *Miscellaneous Orders*

No. A-856. BOBEK *v.* OHIO. Sup. Ct. Ohio. Application for stay and/or bail presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied.

No. 72-269. LEVITT, COMPTROLLER OF NEW YORK, ET AL. *v.* COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY ET AL.;

No. 72-270. ANDERSON *v.* COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY ET AL.; and

No. 72-271. CATHEDRAL ACADEMY ET AL. *v.* COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY ET AL. Appeals from D. C. S. D. N. Y. [Probable jurisdiction noted, 409 U. S. 977.] Motion of appellants to permit three counsel to argue orally denied.

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No. 71-1523. HUNT *v.* McNAIR, GOVERNOR OF SOUTH CAROLINA, ET AL. Appeal from Sup. Ct. S. C. [Probable jurisdiction noted, 409 U. S. 911.] Motion of the Attorney General of New Jersey for leave to file an untimely brief as *amicus curiae* granted.

No. 72-486. FEDERAL POWER COMMISSION *v.* MEMPHIS LIGHT, GAS & WATER DIVISION ET AL.; and

No. 72-488. TEXAS GAS TRANSMISSION CORP. *v.* MEMPHIS LIGHT, GAS & WATER DIVISION ET AL. C. A. D. C. Cir. [Certiorari granted, 409 U. S. 1036.] Motions of Independent Natural Gas Association of America and Jersey Central Power & Light Co. et al. for leave to file briefs as *amici curiae* granted.

No. 72-490. McDONNELL DOUGLAS CORP. *v.* GREEN. C. A. 8th Cir. [Certiorari granted, 409 U. S. 1036.] Motion of Chamber of Commerce of the United States for leave to file a brief as *amicus curiae* granted.

No. 72-586. CADY, WARDEN *v.* DOMBROWSKI. C. A. 7th Cir. [Certiorari granted, 409 U. S. 1059.] Motion of respondent for appointment of counsel granted. It is ordered that William J. Mulligan, Esquire, of Milwaukee, Wisconsin, a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for respondent in this case.

No. 72-1139. GRIT ET AL. *v.* WOLMAN ET AL. Appeal from D. C. S. D. Ohio. Motion to expedite and to advance oral argument denied. Reported below: 353 F. Supp. 744.

No. 72-6032. BOYDEN *v.* CARLSON, DIRECTOR OF PRISONS;

No. 72-6046. RENTSCHLER *v.* TEXAS;

No. 72-6054. COSCO *v.* MEACHAM; and

No. 72-6126. JONES *v.* BARRETT ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

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No. 72-5531. BAGGETT *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. Motion for leave to file petition for writ of habeas corpus denied. MR. JUSTICE DOUGLAS would grant the motion.

No. 72-968. SOLO CUP Co. *v.* AUSTIN, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus and other relief denied.

No. 72-5681. LANDIS *v.* UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN. Motion for leave to file petition for writ of mandamus denied.

No. 72-6119. RUDERER *v.* FOREMAN, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of prohibition denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this motion.

*Certiorari Granted*

No. 72-702. GOLDEN STATE BOTTLING Co., INC., FORMERLY PEPSI-COLA BOTTLING COMPANY OF SACRAMENTO, ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari granted. Reported below: 467 F. 2d 164.

No. 72-885. UNITED STATES ET AL. *v.* RICHARDSON. C. A. 3d Cir. Certiorari granted. Reported below: 465 F. 2d 844.

No. 72-782. GATEWAY COAL Co. *v.* UNITED MINE WORKERS OF AMERICA ET AL. C. A. 3d Cir. Motions of Bituminous Coal Operators' Assn., Inc., National Association of Manufacturers of the United States of America, and Chamber of Commerce of the United States of America for leave to file briefs as *amici curiae* granted. Certiorari granted. Reported below: 466 F. 2d 1157.

No. 72-5581. STEFFEL *v.* THOMPSON ET AL. C. A. 5th Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 459 F. 2d 919.

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No. 72-844. FALK ET AL. *v.* BRENNAN, SECRETARY OF LABOR. C. A. 4th Cir. Certiorari granted limited to Questions 2 and 3 presented by the petition which read as follows:

"2. Under the Fair Labor Standards Act to be covered an enterprise must have an 'annual gross volume of sales made or business done' of \$500,000. Is this figure to be measured by the gross rentals collected by the agent or by that agent's gross commissions?"

"3. Are maintenance workers employed at the buildings managed by petitioners employees of the apartment owner or of the petitioners?"

No. 72-5881. MARSHALL *v.* UNITED STATES. C. A. 9th Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 470 F. 2d 34.

*Certiorari Denied*

No. 72-713. SMITH *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 72-747. BLOOMFIELD HILLS SCHOOL DISTRICT *v.* ROTH, U. S. DISTRICT JUDGE. C. A. 6th Cir. Certiorari denied.

No. 72-748. WEST BLOOMFIELD SCHOOL DISTRICT OF OAKLAND COUNTY, MICHIGAN, ET AL. *v.* ROTH, U. S. DISTRICT JUDGE. C. A. 6th Cir. Certiorari denied.

No. 72-752. THURMAN *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 72-817. SCHOOL DISTRICT OF THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN *v.* ROTH, U. S. DISTRICT JUDGE. C. A. 6th Cir. Certiorari denied.

No. 72-836. ZANNINO ET AL. *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 468 F. 2d 1299.

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No. 72-870. CLEMONS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 72-873. STAUNTON ET AL. *v.* DONAHUE. C. A. 7th Cir. Certiorari denied. Reported below: 471 F. 2d 475.

No. 72-874. JOHNSTON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 72-875. SIEGEL ET AL. *v.* McMILLEN, U. S. DISTRICT JUDGE, ET AL. C. A. 7th Cir. Certiorari denied.

No. 72-884. GORDON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 72-894. RICHARDSON *v.* UNITED STATES ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 465 F. 2d 844.

No. 72-895. RIVERA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 72-907. YEAGER ET UX. *v.* TOWNSHIP OF MANSFIELD, WARREN COUNTY, ET AL. Super. Ct. N. J. Certiorari denied.

No. 72-938. ADAM ET AL. *v.* DEL BIANCO & ASSOCIATES, INC. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 6 Ill. App. 3d 286, 285 N. E. 2d 480.

No. 72-954. VILLAGE OF LAKE BLUFF ET AL. *v.* CITY OF NORTH CHICAGO ET AL. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 5 Ill. App. 3d 142, 282 N. E. 2d 780.

No. 72-963. HUTTER ET AL. *v.* COOK COUNTY, ILLINOIS, ET AL. C. A. 7th Cir. Certiorari denied.

No. 72-964. DUMESTRE ET AL. *v.* TRAVELERS INSURANCE Co. ET AL. C. A. 5th Cir. Certiorari denied.

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No. 72-972. *WESTERN RAILWAY OF ALABAMA v. BLUE*. C. A. 5th Cir. Certiorari denied. Reported below: 469 F. 2d 487.

No. 72-5125. *PERKINS v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of San Bernardino. Certiorari denied.

No. 72-5640. *TAYLOR v. MINNESOTA*. C. A. 8th Cir. Certiorari denied. Reported below: 466 F. 2d 1119.

No. 72-5697. *SHAFFNER v. COWAN, WARDEN*. Ct. App. Ky. Certiorari denied.

No. 72-5718. *WILLIAMS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 468 F. 2d 251.

No. 72-5800. *DAWSON, AKA ROACH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 467 F. 2d 668.

No. 72-5842. *MOORER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 72-5845. *HOWARD v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 466 F. 2d 1356.

No. 72-5862. *KORTSEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 72-5875. *NELSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 467 F. 2d 944.

No. 72-5876. *RAEL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 467 F. 2d 333.

No. 72-5877. *COSTA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 72-5888. *DECOSTA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

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No. 72-5886. THOMAS, AKA TUTTLE *v.* UNITED STATES;  
and

No. 72-5906. THOMAS, AKA TUTTLE *v.* UNITED STATES.  
C. A. 8th Cir. Certiorari denied. Reported below: 469  
F. 2d 145.

No. 72-5889. MCCRAY *v.* WEINBERGER, SECRETARY OF  
HEALTH, EDUCATION, AND WELFARE. C. A. 5th Cir.  
Certiorari denied. Reported below: 465 F. 2d 1406.

No. 72-5891. PARISH *v.* UNITED STATES. C. A. D. C.  
Cir. Certiorari denied. Reported below: 152 U. S.  
App. D. C. 72, 468 F. 2d 1129.

No. 72-5902. FRAZIER *v.* UNITED STATES. C. A. 6th  
Cir. Certiorari denied.

No. 72-5904. GALAZ *v.* UNITED STATES. C. A. 9th  
Cir. Certiorari denied.

No. 72-5908. VAN ORDEN *v.* UNITED STATES. C. A.  
3d Cir. Certiorari denied. Reported below: 469 F. 2d  
461.

No. 72-5910. LOUNDMANNZ *v.* UNITED STATES. C. A.  
D. C. Cir. Certiorari denied. Reported below: 153 U. S.  
App. D. C. 301, 472 F. 2d 1376.

No. 72-5917. WILSON *v.* UNITED STATES. C. A. D. C.  
Cir. Certiorari denied. Reported below: 153 U. S. App.  
D. C. 104, 471 F. 2d 1072.

No. 72-5918. DREIER *v.* UNITED STATES. C. A. 8th  
Cir. Certiorari denied. Reported below: 471 F. 2d 656.

No. 72-5940. STRIBLING *v.* UNITED STATES. C. A.  
6th Cir. Certiorari denied. Reported below: 469 F. 2d  
443.

No. 72-5996. NELSON *v.* STRATTON. C. A. 5th Cir.  
Certiorari denied. Reported below: 469 F. 2d 1155.

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No. 72-6001. *WHITE v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 282 N. C. 93, 191 S. E. 2d 745.

No. 72-6003. *BRAXTON v. HENDERSON, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 72-6013. *LOTT v. TEXAS BOARD OF PARDONS AND PAROLES ET AL.* Ct. Crim. App. Tex. Certiorari denied.

No. 72-6039. *DANIEL v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 486 S. W. 2d 944.

No. 72-540. *WATKINS ET AL. v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 262 So. 2d 422.

No. 72-5734. *DEAN v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 265 So. 2d 15.

No. 72-5783. *GUNN ET AL. v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 487 S. W. 2d 666.

No. 72-5828. *KELLY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 469 F. 2d 1310.

No. 72-5838. *DE AVILA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 468 F. 2d 184.

No. 72-5922. *LONG v. CARLSON, DIRECTOR OF PRISONS, ET AL.* C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 72-883. *PLUCHINO v. UNITED STATES*. C. A. 4th Cir. Motion to dispense with printing petition granted. Certiorari denied.

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No. 72-966. CONFEDERATION LIFE INSURANCE CO. *v.* CONTE. Sup. Ct. Fla. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE BRENNAN would grant certiorari and set case for oral argument. See *Confederation Life Insurance Co. v. De Lara*, 409 U. S. 953 (dissenting opinion).

No. 72-5641. KUCHENREUTHER *v.* IOWA. Dist. Ct. Iowa, Pocahontas County. Certiorari denied for want of final judgment. See 28 U. S. C. § 1257.

No. 72-5745. LOPEZ *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Motion for leave to use record in No. 804, Misc., October Term 1963 [*Lopez v. California*, 375 U. S. 994] granted. Certiorari denied.

*Rehearing Denied*

No. 70-18. ROE ET AL. *v.* WADE, DISTRICT ATTORNEY OF DALLAS COUNTY, *ante*, p. 113;

No. 70-40. DOE ET AL. *v.* BOLTON, ATTORNEY GENERAL OF GEORGIA, ET AL., *ante*, p. 179;

No. 71-564. DISTRICT OF COLUMBIA *v.* CARTER, 409 U. S. 418;

No. 71-6272. ROBINSON *v.* NEIL, WARDEN, 409 U. S. 505;

No. 72-243. CLEAN AIR COORDINATING COMMITTEE *v.* ROTH ADAM FUEL CO. ET AL., 409 U. S. 1117;

No. 72-451. KENNEDY ET AL. *v.* BUREAU OF NARCOTICS AND DANGEROUS DRUGS, UNITED STATES DEPARTMENT OF JUSTICE, ET AL., 409 U. S. 1115;

No. 72-474. SCHATTMAN *v.* TEXAS EMPLOYMENT COMMISSION ET AL., 409 U. S. 1107;

No. 72-483. SALAZAR *v.* UNITED STATES, 409 U. S. 1107;

No. 72-485. NORMAN *v.* UNITED STATES, 409 U. S. 1107; and

No. 72-525. COOPER *v.* UNITED STATES, 409 U. S. 1107. Petitions for rehearing denied.

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- No. 72-645. *BRIOLA v. UNITED STATES*, 409 U. S. 1108;
- No. 72-662. *BATA v. BATA ET AL.*, 409 U. S. 1108;
- No. 72-672. *POGUE v. RETAIL CREDIT CO.*, 409 U. S. 1109;
- No. 72-790. *ALABAMA ET AL. v. BRINKS*, 409 U. S. 1130;
- No. 72-5218. *GOFF v. NEW YORK*, *ante*, p. 910;
- No. 72-5368. *TYLER v. LARK, WARDEN, ET AL.*, *ante*, p. 910;
- No. 72-5372. *LUCAS v. WYOMING ET AL.*, 409 U. S. 1123;
- No. 72-5438. *WARNER v. UNITED STATES PATENT OFFICE ET AL.*, 409 U. S. 1045;
- No. 72-5454. *COOPER v. UNITED STATES*, 409 U. S. 1107;
- No. 72-5568. *DAVIS v. NEAHER, U. S. DISTRICT JUDGE, ET AL.*, 409 U. S. 1105;
- No. 72-5608. *HEINDL v. WASHINGTON TERMINAL CO.*, 409 U. S. 1113;
- No. 72-5628. *BERNSTEIN v. UNITED STATES*, 409 U. S. 1114;
- No. 72-5633. *REILLY v. NELSON, WARDEN*, 409 U. S. 1114;
- No. 72-5646. *DABNEY v. DISTRICT OF COLUMBIA*, 409 U. S. 1114;
- No. 72-5649. *MILSTEAD ET AL. v. CALIFORNIA ET AL.*, 409 U. S. 1114;
- No. 72-5682. *JONES v. UNITED STATES*, *ante*, p. 911;
- No. 72-5716. *BENNETT v. DISTRICT DIRECTOR OF INTERNAL REVENUE*, 409 U. S. 1128; and
- No. 72-5735. *STENGEL v. CITY OF ANAHEIM ET AL.*, 409 U. S. 1129. Petitions for rehearing denied.
- No. 71-858. *RICCI v. CHICAGO MERCANTILE EXCHANGE ET AL.*, 409 U. S. 289. Motion to dispense with printing petition granted. Petition for rehearing denied.

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No. 72-277. *FORTENBERRY v. NEW YORK LIFE INSURANCE Co.*, 409 U. S. 981. Motion for leave to file petition for rehearing denied. MR. JUSTICE POWELL took no part in the consideration or decision of this motion.

*Assignment Orders*

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Clark (retired) to perform judicial duties in the United States Court of Appeals for the Seventh Circuit for the week of April 2, 1973, and for such further time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

An order of the THE CHIEF JUSTICE designating and assigning Mr. Justice Clark (retired) to perform judicial duties in the United States Court of Appeals for the Seventh Circuit for the week of May 21, 1973, and for such further time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

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*Dismissal Under Rule 60*

No. 72-5953. *DAVIS v. UNITED STATES*. C. A. 4th Cir. Petition for writ of certiorari dismissed under Rule 60 of the Rules of this Court.

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*Affirmed on Appeal.* (See also No. 72-759, *infra*.)

No. 72-876. *CURTIS, INC. v. UNITED STATES ET AL.* Affirmed on appeal from D. C. Colo. Reported below: 346 F. Supp. 1034.

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No. 72-768. ARIZONA EX REL. STATE CORPORATION COMMISSION ET AL. *v.* UNITED STATES ET AL.;

No. 72-779. SOUTHWEST GAS CORP. *v.* UNITED STATES ET AL.;

No. 72-781. PACIFIC GAS & ELECTRIC CO. *v.* EL PASO NATURAL GAS CO. ET AL.; and

No. 72-785. EL PASO NATURAL GAS CO. ET AL. *v.* UNITED STATES ET AL. Affirmed on appeals from D. C. Colo. MR. JUSTICE BRENNAN, MR. JUSTICE WHITE, and MR. JUSTICE MARSHALL took no part in the consideration or decision of these cases. Reported below: 358 F. Supp. 820.

No. 72-865. CITY OF PETERSBURG, VIRGINIA *v.* UNITED STATES ET AL. Affirmed on appeal from D. C. D. C. MR. JUSTICE DOUGLAS would note probable jurisdiction and set case for oral argument. MR. JUSTICE POWELL took no part in the consideration or decision of this case. Reported below: 354 F. Supp. 1021.

#### *Appeals Dismissed*

No. 72-759. CALIFORNIA-PACIFIC UTILITIES CO. ET AL. *v.* UNITED STATES ET AL. Appeal from D. C. Colo. Appeal as to California-Pacific Utilities Co. dismissed for want of jurisdiction for failure to file timely notice of appeal. 28 U. S. C. § 2101 (b). Judgment as to the six other appellants affirmed. MR. JUSTICE BRENNAN, MR. JUSTICE WHITE, and MR. JUSTICE MARSHALL took no part in the consideration or decision of this case. Reported below: 358 F. Supp. 820.

No. 72-998. LEHANE ET AL. *v.* CITY AND COUNTY OF SAN FRANCISCO ET AL. Appeal from Ct. App. Cal., 1st App. Dist., dismissed for want of substantial federal question.

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*Miscellaneous Orders*

No. A-839. *SMALDONE v. UNITED STATES*. C. A. 10th Cir. Application for bail presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied.

No. A-840 (72-1138). *HARRISON v. UNITED STATES*. C. A. 2d Cir. Application for stay or recall of mandate of United States Court of Appeals for the Second Circuit presented to MR. JUSTICE POWELL, and by him referred to the Court, denied.

No. 71-1553. *GILLIGAN, GOVERNOR OF OHIO, ET AL. v. MORGAN ET AL.* C. A. 6th Cir. [Certiorari granted, 409 U. S. 947.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* on behalf of petitioners granted and 15 minutes allotted for that purpose. Respondents allotted 15 additional minutes for oral argument.

No. 71-1647. *FEDERAL MARITIME COMMISSION v. SEATRAN LINES, INC., ET AL.* C. A. D. C. Cir. [Certiorari granted, 409 U. S. 1058.] Motion of R. J. Reynolds Tobacco Co. for leave to file a brief as *amicus curiae* granted.

No. 72-11. *PALMORE v. UNITED STATES*. Appeal from Ct. App. D. C. [Probable jurisdiction postponed, 409 U. S. 840.] Motion of appellant for leave to file supplemental brief after argument granted.

No. 72-419. *PITTSBURGH PRESS CO. v. PITTSBURGH COMMISSION ON HUMAN RELATIONS ET AL.* Pa. Commw. Ct. [Certiorari granted, 409 U. S. 1036.] Motions of International Association of Official Human Rights Agencies and American Civil Liberties Union et al. for leave to file briefs as *amici curiae* granted.

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No. 72-269. LEVITT, COMPTROLLER OF NEW YORK, ET AL. *v.* COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY ET AL.;

No. 72-270. ANDERSON *v.* COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY ET AL.; and

No. 72-271. CATHEDRAL ACADEMY ET AL. *v.* COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY ET AL. Appeals from D. C. S. D. N. Y. [Probable jurisdiction noted, 409 U. S. 977.] Motion of appellants to permit two counsel to argue orally granted.

No. 72-493. VLANDIS *v.* KLINE ET AL. Appeal from D. C. Conn. [Probable jurisdiction noted, 409 U. S. 1036.] Motion of American Civil Liberties Union of Ohio, Inc., for leave to file a brief as *amicus curiae* granted.

No. 72-634. UNITED STATES CIVIL SERVICE COMMISSION ET AL. *v.* NATIONAL ASSOCIATION OF LETTER CARRIERS, AFL-CIO, ET AL. Appeal from D. C. D. C. [Probable jurisdiction noted, 409 U. S. 1058.] Motion of appellees for additional time for oral argument granted and 10 additional minutes allotted for that purpose. Appellants also granted 10 additional minutes for oral argument.

No. 72-730. MARKLE ET AL. *v.* ABELE ET AL., *ante*, p. 951. Stay heretofore granted by this Court on October 16, 1972 [409 U. S. 908], is hereby vacated.

No. 71-157. R. J. REYNOLDS TOBACCO CO. ET AL. *v.* UNITED STATES ET AL. D. C. N. J. Motion to grant certiorari and consolidate for oral argument with No. 71-1647, *Federal Maritime Commission v. Seatrain Lines, Inc.* [certiorari granted, 409 U. S. 1058], denied. Motion for leave to file petition for writ of certiorari denied. Reported below: 325 F. Supp. 656.

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No. 72-694. COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY ET AL. *v.* NYQUIST, COMMISSIONER OF EDUCATION OF NEW YORK, ET AL.;

No. 72-753. ANDERSON *v.* COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY ET AL.;

No. 72-791. NYQUIST, COMMISSIONER OF EDUCATION OF NEW YORK, ET AL. *v.* COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY ET AL.; and

No. 72-929. CHERRY ET AL. *v.* COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY ET AL. Appeals from D. C. S. D. N. Y. [Probable jurisdiction noted, *ante*, p. 907.] Motion of Sidney A. Seegers et al. for leave to file a brief as *amici curiae* granted.

No. 72-878. HO SEE *v.* UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT. Motion for leave to file petition for writ of mandamus denied.

No. 72-969. KEEGAN *v.* WILLIAMS, JUDGE. Motion for leave to file petition for writ of prohibition and/or mandamus denied.

*Probable Jurisdiction Noted*

No. 72-812. STORER ET AL. *v.* BROWN, SECRETARY OF STATE OF CALIFORNIA, ET AL.; and

No. 72-6050. FROMMHAGEN *v.* BROWN, SECRETARY OF STATE OF CALIFORNIA, ET AL. Appeals from D. C. N. D. Cal. Motion of appellant in No. 72-6050 for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. Cases consolidated and a total of one hour allotted for oral argument.

No. 72-887. AMERICAN PARTY OF TEXAS ET AL. *v.* BULLOCK, SECRETARY OF STATE OF TEXAS; and

No. 72-942. HAINSWORTH *v.* BULLOCK, SECRETARY OF STATE OF TEXAS. Appeals from D. C. W. D. Tex. Probable jurisdiction noted. Cases consolidated and a

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total of one hour allotted for oral argument. Reported below: No. 72-887, 349 F. Supp. 1272.

*Certiorari Denied*

No. 72-707. *BLAND ET AL. v. MCHANN ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 463 F. 2d 21.

No. 72-722. *SCHOOL BOARD OF ORANGE COUNTY, FLORIDA v. ELLIS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 465 F. 2d 878.

No. 72-877. *CHEATHAM ET UX. v. CITY OF EVANSVILLE.* Ct. App. Ind. Certiorari denied. Reported below: — Ind. App. —, 278 N. E. 2d 602.

No. 72-879. *NCR EMPLOYEES' INDEPENDENT UNION v. NATIONAL LABOR RELATIONS BOARD.* C. A. 6th Cir. Certiorari denied. Reported below: 466 F. 2d 945.

No. 72-890. *HO SEE v. PANGELINAN.* C. A. 9th Cir. Certiorari denied.

No. 72-908. *JOFTES v. WEXLER ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 72-911. *KAPLAN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 470 F. 2d 100.

No. 72-915. *WYATT v. IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 5th Cir. Certiorari denied.

No. 72-916. *STOCKWELL v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 469 F. 2d 680.

No. 72-917. *TURNOF v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 72-956. *HARRIS v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 9th Cir. Certiorari denied.

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No. 72-959. *YOUNG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 470 F. 2d 962.

No. 72-970. *ASSOCIATED CULTURAL CLUBS, INC., ET AL. v. MONARCH TRAVEL SERVICES, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 466 F. 2d 552.

No. 72-971. *WARDEN, NEW JERSEY STATE PRISON v. MONKS*. C. A. 3d Cir. Certiorari denied.

No. 72-973. *HICKS v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 282 N. C. 103, 191 S. E. 2d 593.

No. 72-986. *WESTERN VENTURES, INC. v. DADE DRY-DOCK CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 467 F. 2d 1361.

No. 72-1000. *MOORE v. HIGHWAY DEPARTMENT OF GEORGIA ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 467 F. 2d 944.

No. 72-5596. *FINNEGAN v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 6 Wash. App. 612, 495 P. 2d 674.

No. 72-5685. *WHITTAKER v. COINER, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 72-5717. *HENDRIXSON v. LASH, WARDEN*. Sup. Ct. Ind. Certiorari denied. Reported below: — Ind. —, 282 N. E. 2d 792.

No. 72-5852. *ARMES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 470 F. 2d 1353.

No. 72-5869. *GONZALES v. UNITED STATES*; and

No. 72-5896. *VICARS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 467 F. 2d 452.

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No. 72-5911. *McCANTS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 470 F. 2d 142.

No. 72-5913. *WILSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 72-5929. *MOORE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 72-5931. *HAYWOOD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 468 F. 2d 907.

No. 72-5933. *HENRIQUES v. IMMIGRATION AND NATURALIZATION SERVICE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 465 F. 2d 119.

No. 72-5942. *HINES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 470 F. 2d 225.

No. 72-5987. *HALPERN v. ZELKER, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 72-6008. *DI MAGGIO v. CADY, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 72-6015. *PARTIN v. OHIO*. Ct. App. Ohio, Lucas County. Certiorari denied.

No. 72-6020. *SCASSERRA v. PENNSYLVANIA STATE CIVIL SERVICE COMMISSION*. Sup. Ct. Pa. Certiorari denied.

No. 72-6022. *MILLINGER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 467 F. 2d 943.

No. 72-6024. *THIBADOUX v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied.

No. 72-6027. *SMITH v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 282 N. C. 147, 191 S. E. 2d 598.

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No. 72-6040. *FAYNE v. BERG*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 72-6043. *MCCORD v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 469 F. 2d 1406.

No. 72-6044. *REECE v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 469 F. 2d 1406.

No. 72-6049. *HEADS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 468 F. 2d 240.

No. 72-6058. *CRANDALL v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 297 A. 2d 94.

No. 72-169. *COOK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: See 448 F. 2d 925.

No. 72-1018. *BREITWIESER ET VIR v. KMS INDUSTRIES, INC., DBA ADVO SYSTEMS*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 467 F. 2d 1391.

No. 72-5221. *MITCHELL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 463 F. 2d 187.

No. 72-5308. *WILSON v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 15 Md. App. 73, 289 A. 2d 348.

No. 72-5543. *VAWTER v. INDIANA*. Sup. Ct. Ind. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: — Ind. —, 279 N. E. 2d 805.

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No. 72-5550. *WRENN v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 72-5930. *DINNELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 72-6014. *TODD v. CARDWELL, WARDEN*. C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 72-6029. *FIELDS v. HUTTO, CORRECTIONS COMMISSIONER*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 72-912. *DELLINGER ET AL. v. UNITED STATES*. C. A. 7th Cir. Motion of Yetta Machtinger et al. to dispense with printing *amici curiae* brief granted. Motion of petitioners to dispense with printing granted. Certiorari denied. Reported below: 472 F. 2d 340.

No. 72-5600. *CASIAS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Petition for writ of certiorari denied as untimely filed. 28 U. S. C. § 2101 (c). Reported below: 459 F. 2d 54.

#### *Rehearing Denied*

No. 71-1119. *INDIANA EMPLOYMENT SECURITY DIVISION ET AL. v. BURNEY*, 409 U. S. 540;

No. 72-737. *WEISS v. WALSH ET AL.*, 409 U. S. 1129; and

No. 72-5622. *NICHOLS v. UNITED STATES*, *ante*, p. 911. Petitions for rehearing denied.

No. 72-250. *GOLDSBERRY ET AL. v. HIEBER, JUDGE*, 409 U. S. 1117. Petition for rehearing and other relief denied.

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No. 71-5743. TORRES ET AL. v. NEW YORK STATE DEPARTMENT OF LABOR ET AL., 405 U. S. 949. Motion of American Federation of Labor and Congress of Industrial Organizations for leave to file a brief as *amicus curiae* granted. Petition for rehearing denied.

MR. JUSTICE MARSHALL, with whom MR. JUSTICE DOUGLAS and MR. JUSTICE BRENNAN concur, dissenting.

By summarily denying this petition for rehearing, the Court finally disposes of important issues of constitutional law and statutory construction in a fashion which can only be characterized as bizarre. Although the case has now been before us on three separate occasions, my Brethren have yet to write so much as a single word in defense of a disposition which is seemingly inconsistent with a raft of our prior cases. See, *e. g.*, *Indiana Employment Security Division v. Burney*, 409 U. S. 540 (1973); *California Human Resources Dept. v. Java*, 402 U. S. 121 (1971); *Goldberg v. Kelly*, 397 U. S. 254 (1970). I cannot concur in this cavalier treatment of a question that is of vital importance to the thousands of citizens who, through no fault of their own, are temporarily unemployed.

Even a brief chronological recitation of the tortured progression of this case makes plain that it has not been treated in accordance with the high standards that litigants before the Court have come to expect. Petitioners originally instituted this action in United States District Court to enjoin the enforcement of New York Labor Law §§ 597, 598, and 620 "insofar as they authorize the suspension or termination of unemployment compensation benefits without a prior hearing." They based their claim on the Due Process Clause of the Fourteenth Amendment, which had been interpreted in *Goldberg v. Kelly*, *supra*, to require a hearing prior to the suspension

of welfare benefits, and on the Social Security Act, which requires a state plan "reasonably calculated to insure full payment of unemployment compensation when due." 42 U. S. C. § 503 (a)(1). A three-judge court was convened, but that court, over a dissent by Judge Lasker, found both the constitutional and statutory claims to be without merit.

An appeal was timely noted and docketed in this Court. But before we had considered petitioners' jurisdictional statement, our decision in *California Human Resources Dept. v. Java*, *supra*, was handed down. In *Java*, a unanimous Court held that 42 U. S. C. § 503 (a)(1) invalidated a California statute which provided for the automatic suspension of unemployment compensation when the employer took an appeal from the initial eligibility determination.

Inasmuch as *Java* interpreted the very provision of the Social Security Act relied upon by the appellant in *Torres*, we entered an order vacating the District Court's decision in *Torres* and remanding for reconsideration in light of *Java*. See 402 U. S. 968 (1971). When the case returned to the District Court, however, that court purported to find *Java* distinguishable and, in a brief *per curiam*, adhered to its prior decision. See *Torres v. New York State Department of Labor*, 333 F. Supp. 341 (SDNY 1971).

Once again, petitioners docketed an appeal in this Court, but this time an order was entered summarily affirming the District Court without the benefit of full briefing, oral argument, or an opinion. See 405 U. S. 949 (1972).<sup>\*</sup> Shortly thereafter, however, the Court did note probable jurisdiction in *Indiana Employment Security Division v. Burney*, *supra*, a case presenting iden-

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<sup>\*</sup>MR. JUSTICE DOUGLAS, MR. JUSTICE BRENNAN and I indicated in a separate statement that we would have noted probable jurisdiction and reversed on the basis of *Goldberg v. Kelly*, 397 U. S. 254.

tical issues with respect to the Indiana unemployment compensation scheme. See 406 U. S. 956 (1972). At the same time, the Court held in abeyance any disposition of the petition for rehearing in this case.

It thus appeared that the Court would finally rule upon the legality of prehearing suspensions of unemployment compensation in *Burney* and that the petition for rehearing in this case would be disposed of in accordance with the *Burney* decision. When *Burney* was ultimately decided, however, the Court failed to reach the merits. Instead, it pointed out that Mrs. Burney had eventually received a post-termination hearing at which it had been held that she had been wrongfully terminated. Pursuant to this decision, Mrs. Burney had received full retroactive compensation. In light of these developments, the Court remanded to the District Court for consideration of whether the case was moot. See 409 U. S. 540 (1973).

Thus, the questions which were initially to be decided in *Burney* must now be resolved in this petition for rehearing. Although I dissented from the remand in *Burney*, I think that, at the very least, by a parity of reasoning, the Court is obliged to treat this case in an identical fashion. The representative parties here, like the representative party in *Burney*, all received post-termination hearings at which their claims to compensation were decided on the merits. True, Mrs. Burney's claim was vindicated at the hearing, while the termination of Mr. Torres' benefits was reaffirmed. But this is a distinction without a difference. Since it has already been determined that the representative parties in this case are not in any event entitled to compensation payments, they no longer have any more stake in the outcome of this litigation than did Mrs. Burney in her case once her claim had been administratively resolved. Thus, under the Court's apparent reasoning in *Burney*, the

resolution of both parties' claims on the merits may moot the controversy concerning the timing of a hearing, thereby calling for a remand of the case to consider that issue.

But even if I accepted the Court's unarticulated conclusion that this case is distinguishable from *Burney*, I would still object to the summary fashion in which the District Court's judgment is affirmed today. When probable jurisdiction was noted in *Burney*, it was apparently thought that the questions posed by that case were of sufficient importance and complexity to require briefing and oral argument. Since the Court failed to reach the merits in *Burney*, the proper course would seem to be a notation of probable jurisdiction in this case so that the questions can be addressed in that context. But instead, the issues which in *Burney* were considered so significant as to require setting the case for argument have now, inexplicably, become so trivial as not even to require an opinion. It is not without irony that petitioners, who claim a deprivation of due process because vital benefits are denied them without a hearing, are unable to secure a hearing before this Court.

Since we have not had the benefit of full briefing and oral argument on the questions presented by petitioners, I am not prepared to state my views at length. But from the papers before us, it seems quite likely to me that by withholding benefits from putatively eligible recipients without a pretermination hearing, New York has failed to comply with the federal requirement that benefits be provided "when due." Cf. *California Human Resources Dept. v. Java, supra*. More significantly, the decision below seems flatly inconsistent with our prior decision in *Goldberg v. Kelly, supra*, wherein we held that due process demands a pretermination hear-

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ing for welfare benefits. See also *Fuentes v. Shevin*, 407 U. S. 67 (1972); *Bell v. Burson*, 402 U. S. 535 (1971).

Apparently a majority of the Court disagrees, although it is impossible to discern from the Court's silence either the source or nature of this disagreement. I would have thought that if the rights recognized in *Goldberg* and *Java* were to be sharply limited, the Court would at least have found it necessary to explicate the basis for this limitation and delineate the new reach of those decisions. Instead, the Court has elected to bury an apparently significant shift in the law in that portion of the United States Reports devoted to petitions for rehearing. Because I cannot agree that this disposition is consistent with our obligation to engage in reasoned decisionmaking, I must respectfully dissent.

No. 71-827. *HUGHES TOOL CO. ET AL. v. TRANS WORLD AIRLINES, INC.*; and

No. 71-830. *TRANS WORLD AIRLINES, INC. v. HUGHES TOOL CO. ET AL.*, 409 U. S. 363. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

No. 72-5410. *BLACK v. UNITED STATES*, 409 U. S. 1027; and

No. 72-5470. *CASTANEDA v. CALIFORNIA*, 409 U. S. 1126. Motions for leave to file petitions for rehearing denied.

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*Dismissal Under Rule 60*

No. 72-960. *CREAMER v. GEORGIA*. Sup. Ct. Ga. Petition for writ of certiorari dismissed under Rule 60 of the Rules of this Court. Reported below: 229 Ga. 511, 192 S. E. 2d 350.

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*Dismissal Under Rule 60*

No. 72-1039. UNITED STATES *v.* KISMETOGLU. C. A. 9th Cir. Petition for writ of certiorari dismissed under Rule 60 of the Rules of this Court. Reported below: 468 F. 2d 1386.

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*Affirmed on Appeal*

No. 72-990. WHITCOMB, GOVERNOR OF INDIANA, ET AL. *v.* COMMUNIST PARTY OF INDIANA ET AL. Affirmed on appeal from D. C. N. D. Ind.

No. 72-996. KOELFGEN ET AL. *v.* JACKSON, DIRECTOR, CIVIL SERVICE DEPARTMENT OF MINNESOTA, ET AL. Affirmed on appeal from D. C. Minn. Reported below: 355 F. Supp. 243.

*Appeals Dismissed*

No. 72-608. COLORADO EX REL. L. B. ET AL. *v.* L. V. B. Appeal from Sup. Ct. Colo. dismissed for want of substantial federal question. Reported below: 179 Colo. 11, 498 P. 2d 1157.

No. 72-1008. CITY OF PINEY POINT VILLAGE ET AL. *v.* HARRIS COUNTY ET AL. Appeal from Ct. Civ. App. Tex., 1st Sup. Jud. Dist. dismissed for want of substantial federal question. Reported below: 479 S. W. 2d 358.

No. 72-5960. FAIR ET AL. *v.* NIXON, PRESIDENT OF THE UNITED STATES, ET AL. Appeal from C. A. 5th Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE POWELL took no part in the consideration or decision of this appeal.

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No. 72-1021. BARRY & BARRY, INC., ET AL. *v.* DEPARTMENT OF MOTOR VEHICLES OF WASHINGTON ET AL. Appeal from Sup. Ct. Wash. dismissed for want of substantial federal question. Reported below: 81 Wash. 2d 155, 500 P. 2d 540.

No. 72-849. AVERY *v.* MARYLAND. Appeal from Ct. Sp. App. Md. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 15 Md. App. 520, 292 A. 2d 728.

No. 72-6082. SHAFFER *v.* GRAHAM, COMMISSIONER, DEPARTMENT OF PUBLIC WELFARE OF ARIZONA, ET AL. Appeal from Ct. App. Ariz. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE WHITE, and MR. JUSTICE MARSHALL would note probable jurisdiction and set case for oral argument. Reported below: 17 Ariz. App. 497, 498 P. 2d 571.

*Certiorari Granted—Reversed.* (See No. 72-794, *ante*, p. 667.)

*Certiorari Granted—Reversed and Remanded.* (See No. 72-905, *ante*, p. 690.)

#### *Miscellaneous Orders*

No. A-935 (72-1147). DORFMAN *v.* UNITED STATES. C. A. 2d Cir. Application for stay presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. Reported below: 470 F. 2d 246.

No. 40, Orig. PENNSYLVANIA *v.* NEW YORK ET AL. Supplemental report of Special Master hereby adopted by the Court. [For earlier orders herein, see, *e. g.*, 409 U. S. 1122.]

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No. D-5. *IN RE DISBARMENT OF SIGNER*. It having been reported to the Court that Burton R. Signer, of Cincinnati, Ohio, has been disbarred from the practice of law by the Supreme Court of Ohio, duly entered June 28, 1972, and this Court by order of November 6, 1972 [409 U. S. 975], having suspended the said Burton R. Signer from the practice of law in this Court and directing that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent, and that a response thereto has been filed;

IT IS ORDERED that the said Burton R. Signer be, and he is hereby, disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

No. 60, Orig. *PENNSYLVANIA v. NEW YORK ET AL.* Motion for leave to file bill of complaint denied. Mr. JUSTICE STEWART would set motion for leave to file bill of complaint for oral argument.

No. 71-1182. *MATTZ v. ARNETT, DIRECTOR, DEPARTMENT OF FISH AND GAME*. Ct. App. Cal., 1st App. Dist. [Certiorari granted, 409 U. S. 1124.] Motion of petitioner to divide oral argument granted.

No. 72-459. *SLOAN, TREASURER OF PENNSYLVANIA, ET AL. v. LEMON ET AL.*; and

No. 72-620. *CRUTER v. LEMON ET AL.* Appeals from D. C. E. D. Pa. [Probable jurisdiction noted, *ante*, p. 907.] Motion of the Attorney General of Pennsylvania for additional time for oral argument granted and 15 additional minutes allotted for that purpose. Appellees also allotted 15 additional minutes for oral argument.

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No. 72-402. UNITED STATES *v.* GENERAL DYNAMICS CORP. ET AL. Appeal from D. C. N. D. Ill. [Probable jurisdiction noted, 409 U. S. 1058.] Motion of the Solicitor General for additional time for oral argument granted and 15 additional minutes allotted for that purpose. Appellees also allotted 15 additional minutes for oral argument.

No. 72-419. PITTSBURGH PRESS CO. *v.* PITTSBURGH COMMISSION ON HUMAN RELATIONS ET AL. Pa. Ct. Commw. [Certiorari granted, 409 U. S. 1036.] Motion to permit two counsel to argue orally on behalf of respondents granted.

No. 72-490. McDONNELL DOUGLAS CORP. *v.* GREEN. C. A. 8th Cir. [Certiorari granted, 409 U. S. 1036.] Motion of respondent for leave to proceed further herein *in forma pauperis* denied. MR. JUSTICE DOUGLAS, MR. JUSTICE BRENNAN, and MR. JUSTICE MARSHALL would grant the motion.

No. 72-549. SCHOOL BOARD OF CITY OF RICHMOND, VIRGINIA, ET AL. *v.* STATE BOARD OF EDUCATION OF VIRGINIA ET AL.; and

No. 72-550. BRADLEY ET AL. *v.* STATE BOARD OF EDUCATION OF VIRGINIA ET AL. C. A. 4th Cir. [Certiorari granted, 409 U. S. 1124.] Motion of petitioners for additional time for oral argument granted and 15 additional minutes allotted for that purpose. Respondents also allotted 15 additional minutes for oral argument. MR. JUSTICE POWELL took no part in the consideration or decision of this motion.

No. 72-624. UNITED STATES *v.* PENNSYLVANIA INDUSTRIAL CHEMICAL CORP. C. A. 3d Cir. [Certiorari granted, 409 U. S. 1074.] Motion of United States Steel Corp. et al. for leave to participate in oral argument as *amici curiae* denied.

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No. 72-486. FEDERAL POWER COMMISSION *v.* MEMPHIS LIGHT, GAS & WATER DIVISION ET AL.; and

No. 72-488. TEXAS GAS TRANSMISSION CORP. *v.* MEMPHIS LIGHT, GAS & WATER DIVISION ET AL. C. A. D. C. Cir. [Certiorari granted, 409 U. S. 1037.] Motion to permit two counsel to argue orally on behalf of respondents granted.

No. 72-694. COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY ET AL. *v.* NYQUIST, COMMISSIONER OF EDUCATION OF NEW YORK, ET AL.;

No. 72-753. ANDERSON *v.* COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY ET AL.;

No. 72-791. NYQUIST, COMMISSIONER OF EDUCATION OF NEW YORK, ET AL. *v.* COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY ET AL.; and

No. 72-929. CHERRY ET AL. *v.* COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY ET AL. Appeals from D. C. S. D. N. Y. [Probable jurisdiction noted, *ante*, p. 907.] Motion of United Americans for Public Schools for leave to file a brief as *amicus curiae* granted.

No. 72-1035. ROGERS *v.* LOETHER ET AL. C. A. 7th Cir. The Solicitor General is invited to file a brief expressing the views of the United States. Reported below: 467 F. 2d 1110.

No. 72-1227. MORTON, SECRETARY OF THE INTERIOR *v.* WILDERNESS SOCIETY ET AL. C. A. D. C. Cir. Motion to expedite consideration granted insofar as it requests that respondents file a brief on or before March 28, 1973. Reported below: 156 U. S. App. D. C. 121, 479 F. 2d 842.

No. 72-5592. GOLDSMITH *v.* WYOMING ET AL.; and

No. 72-5849. REARDON *v.* MEACHAM ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

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No. 72-6100. GERARDI *v.* FAVER; and

No. 72-6129. GERARDI *v.* MACLAUGHLIN ET AL. Motions for leave to file petitions for writs of mandamus denied.

No. 72-6035. RUDERER *v.* SIRICA, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of prohibition denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this motion.

*Probable Jurisdiction Noted or Postponed*

No. 72-847. MEMORIAL HOSPITAL ET AL. *v.* MARICOPA COUNTY ET AL. Appeal from Sup. Ct. Ariz. Motion of Legal Aid Society of Maricopa County, Arizona, to dispense with printing *amicus curiae* brief granted. Probable jurisdiction noted. Reported below: 108 Ariz. 373, 498 P. 2d 461.

No. 72-1040. COMMUNIST PARTY OF INDIANA ET AL. *v.* WHITCOMB, GOVERNOR OF INDIANA, ET AL. Appeal from D. C. N. D. Ind. Further consideration of question of jurisdiction postponed to hearing of case on the merits.

*Certiorari Granted*

No. 72-403. KUNZIG, ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION, ET AL. *v.* MURRAY. C. A. D. C. Cir. Certiorari granted. Reported below: 149 U. S. App. D. C. 256, 462 F. 2d 871.

No. 72-481. DEPARTMENT OF GAME OF WASHINGTON *v.* PUYALLUP TRIBE ET AL.; and

No. 72-746. PUYALLUP TRIBE *v.* DEPARTMENT OF GAME OF WASHINGTON. Sup. Ct. Wash. Certiorari granted. Cases consolidated and a total of one hour allotted for oral argument. Reported below: 80 Wash. 2d 561, 497 P. 2d 171.

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No. 71-1669. GUSTAFSON *v.* FLORIDA. Sup. Ct. Fla. Certiorari granted and case set for oral argument with No. 72-936, immediately *infra*. Reported below: 258 So. 2d 1.

No. 72-936. UNITED STATES *v.* ROBINSON. C. A. D. C. Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted and case set for oral argument with No. 71-1669, immediately *supra*. Reported below: 153 U. S. App. D. C. 114, 471 F. 2d 1082.

*Certiorari Denied.* (See also Nos. 72-849, 72-5960, and 72-6082, *supra*.)

No. 71-992. WOLLACK *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 71-1210. FIGUEROA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 71-1479. MOORE *v.* UNITED STATES; and

No. 71-6769. GURIDI ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 458 F. 2d 1234.

No. 71-6085. WOODEN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 453 F. 2d 1258.

No. 72-818. SCHOOL BOARD OF BREVARD COUNTY, FLORIDA *v.* WEAVER ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 467 F. 2d 473.

No. 72-828. BRATKO *v.* UNITED STATES; and

No. 72-5824. NIELSEN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 467 F. 2d 1032.

No. 72-941. LUGOSCH *v.* UNITED STATES; and

No. 72-946. MUSTO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

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No. 72-843. *POWERS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 467 F. 2d 1089.

No. 72-940. *PACELLI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 470 F. 2d 67.

No. 72-962. *PHELPS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 468 F. 2d 828.

No. 72-989. *ALEMAN v. SUGARMAN, COMMISSIONER, NEW YORK CITY DEPARTMENT OF SOCIAL SERVICES*. C. A. 2d Cir. Certiorari denied.

No. 72-999. *HIATT v. STANADYNE, INC.* C. A. 6th Cir. Certiorari denied.

No. 72-1006. *GRAHAM v. UNITED STATES*. Ct. Cl. Certiorari denied.

No. 72-1030. *HARVEY v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 5 Ill. App. 3d 499, 285 N. E. 2d 179.

No. 72-1033. *RUSS v. MIRA COMPANIA NAVIERA, S. A., ET AL.* C. A. 5th Cir. Certiorari denied.

No. 72-1036. *BLOOM v. A. H. ROBINS Co., INC.* Ct. Civ. App. Tex., 10th Sup. Jud. Dist. Certiorari denied. Reported below: 479 S. W. 2d 780.

No. 72-1043. *LOVE v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 72-1044. *JOHNSON BONDING Co., INC., ET AL. v. KENTUCKY*. Ct. App. Ky. Certiorari denied. Reported below: 487 S. W. 2d 911.

No. 72-1055. *GLASSER v. WILLARD ALEXANDER, INC.* Ct. App. N. Y. Certiorari denied. Reported below: 31 N. Y. 2d 270, 290 N. E. 2d 813.

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No. 72-1049. *SCHULMAN v. NEW YORK*. App. Term, Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 72-1065. *MALONEY, DBA APALACHICOLA TIMES v. GIBSON ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 263 So. 2d 632.

No. 72-5068. *SINGLETON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 460 F. 2d 1148.

No. 72-5300. *BARBARA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 72-5442. *McKINNEY v. JONES, SHERIFF*. C. A. 5th Cir. Certiorari denied. Reported below: 463 F. 2d 776.

No. 72-5528. *CORBETT ET AL. v. UNITED STATES*; and  
No. 72-5865. *MILISCI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 465 F. 2d 700.

No. 72-5609. *CURLEY v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied.

No. 72-5698. *KAREN v. PARK ET AL.* C. A. 9th Cir. Certiorari denied.

No. 72-5702. *STODDARD v. FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 72-5719. *SMITH v. KANSAS*. C. A. 10th Cir. Certiorari denied.

No. 72-5725. *POLAK v. CRAVEN, WARDEN*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 72-5744. *CARTER v. MASCO MECHANICAL CONTRACTORS, INC.* County Civ. Ct. at Law No. 2, Harris County, Tex. Certiorari denied.

No. 72-5752. *FIORE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 467 F. 2d 86.

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No. 72-5791. *ANGLIN v. CALDWELL, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 465 F. 2d 970.

No. 72-5792. *MCRÆE v. BOUNDS ET AL.* C. A. 4th Cir. Certiorari denied.

No. 72-5893. *HENDERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 469 F. 2d 1074.

No. 72-5895. *EDWARDS v. UNITED STATES MARSHAL*. C. A. 4th Cir. Certiorari denied.

No. 72-5915. *NAVALLEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 467 F. 2d 1375.

No. 72-5920. *KING v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 463 F. 2d 782.

No. 72-5921. *STOKES v. UNITED STATES POSTAL SERVICE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 72-5934. *TYSON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 152 U. S. App. D. C. 233, 470 F. 2d 381.

No. 72-5936. *ROMERO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 469 F. 2d 1078.

No. 72-5938. *LANDMAN v. CARLSON, DIRECTOR, BUREAU OF PRISONS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 463 F. 2d 218.

No. 72-5945. *HARDEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 469 F. 2d 65.

No. 72-5946. *RODRIGUEZ-CAMACHO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 468 F. 2d 1220.

No. 72-5957. *LUCAS ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 72-5959. *SOLOMON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 468 F. 2d 848.

No. 72-5963. *MATSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 469 F. 2d 1234.

No. 72-5967. *SEIBERT v. ANDERSON, WARDEN*. Ct. Crim. App. Okla. Certiorari denied.

No. 72-5970. *ESPERTI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 468 F. 2d 950.

No. 72-5975. *NELSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 468 F. 2d 912.

No. 72-5977. *BRADFORD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 72-5980. *PAIGE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 72-5985. *HARRIS v. WEINBERGER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 9th Cir. Certiorari denied. Reported below: 468 F. 2d 1260.

No. 72-5986. *PENIX v. WEINBERGER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 9th Cir. Certiorari denied. Reported below: 468 F. 2d 1259.

No. 72-5989. *BARNES v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 150 U. S. App. D. C. 319, 464 F. 2d 828.

No. 72-5994. *DELKER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 72-5997. *GANDY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 469 F. 2d 1134.

No. 72-6000. *WILKERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 469 F. 2d 963.

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No. 72-5999. *ROOTS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 72-6004. *TATE v. HENDERSON, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 470 F. 2d 971.

No. 72-6005. *JACKSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 72-6010. *HOLLOMAN v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 282 N. C. 92, 191 S. E. 2d 745.

No. 72-6018. *LISZNYAI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 470 F. 2d 707.

No. 72-6064. *LAYTON v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 72-6067. *MAGEE v. CARROW ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 72-6068. *WASHINGTON v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 72-6069. *WOODEN v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 31 N. Y. 2d 753, 290 N. E. 2d 436.

No. 72-6070. *MOORE v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 501 P. 2d 529.

No. 72-6072. *GOMEZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 72-6073. *RAMIREZ v. RODRIGUEZ, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 467 F. 2d 822.

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No. 72-6074. *GARDNER v. DECKER, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 72-6079. *FREEMAN v. LOCKHART, CORRECTION SUPERINTENDENT*. C. A. 8th Cir. Certiorari denied.

No. 72-6081. *STOKES v. HARLAN ET AL.* Ct. App. Ky. Certiorari denied.

No. 72-6098. *GUTHRIDGE v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 164 Conn. 145, 318 A. 2d 87.

No. 72-6103. *COONS v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 72-6104. *GONZALEZ v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 31 N. Y. 2d 787, 291 N. E. 2d 391.

No. 72-6107. *JOHNSON v. NORTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied.

No. 72-6111. *LOGAN v. BUTLER, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 72-6118. *BALDWIN v. CARDWELL, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 471 F. 2d 655.

No. 72-6123. *HOWARD v. VINCENT, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 72-6130. *COMBS v. CARDWELL, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 472 F. 2d 1188.

No. 72-6132. *SWINICK v. NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 72-6134. *SPENCER v. TURNER, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 468 F. 2d 599.

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No. 72-6136. *MARTIN v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 72-6138. *HEWLETT v. GEORGIA*. Ct. App. Ga. Certiorari denied.

No. 72-6139. *COLLAZO v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 72-6141. *SMITH v. KANSAS*. C. A. 10th Cir. Certiorari denied.

No. 72-6150. *SAUNDERS v. JOHNSON, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 72-6157. *LOGAN v. NEW YORK*. Sup. Ct. N. Y., Queens County. Certiorari denied.

No. 72-6161. *ECKERT v. PAPER MANUFACTURERS CO.* C. A. 3d Cir. Certiorari denied.

No. 72-6199. *JOHNSON v. PARKER*. C. A. 6th Cir. Certiorari denied.

No. 71-6687. *PAGE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 459 F. 2d 467.

No. 72-837. *DE SIMONE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 468 F. 2d 1196.

No. 72-860. *ROSS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 468 F. 2d 1213.

No. 72-952. *WALKER v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 469 F. 2d 1377.

No. 72-958. *CIRILLO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 468 F. 2d 1233.

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No. 72-1047. *WEATHER WISE CO. v. AEROQUIP CORP.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 468 F. 2d 716.

No. 72-5045. *NAVARRO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 462 F. 2d 1091.

No. 72-5066. *ROSS v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 464 F. 2d 376.

No. 72-5227. *ORTIZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 72-5625. *EPPS v. NORTH CAROLINA.* Ct. App. N. C. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 15 N. C. App. 610, 190 S. E. 2d 722.

No. 72-5815. *CROVEDI v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 467 F. 2d 1032.

No. 72-5978. *ANDERSON v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 467 F. 2d 210.

No. 72-801. *ANDERSON v. CITY OF PHOENIX ET AL.* Sup. Ct. Ariz. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 108 Ariz. 388, 499 P. 2d 103.

No. 72-967. *SEABOARD COAST LINE RAILROAD CO. v. GRECO.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 464 F. 2d 496.

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No. 72-923. *BRIDGE v. NEW JERSEY*. Super. Ct. N. J. Certiorari denied. MR. JUSTICE DOUGLAS would deny certiorari on ground of mootness. Reported below: 120 N. J. Super. 460, 295 A. 2d 3.

No. 72-1022. *POPOFF v. JOHNSTON*. Ct. App. Cal., 1st App. Dist. Motion to dispense with printing petition granted. Certiorari denied.

No. 72-1027. *IN RE GROSS*. Sup. Ct. Mont. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: — Mont. —, 503 P. 2d 995.

No. 72-1067. *COLUMBIA STANDARD CORP. v. RANCHERS EXPLORATION & DEVELOPMENT CORP.* C. A. 10th Cir. Certiorari denied. MR. JUSTICE WHITE took no part in the consideration or decision of this petition. Reported below: 468 F. 2d 547.

No. 72-5707. *BASSETT v. SMITH, WARDEN*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS, MR. JUSTICE MARSHALL, and MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 464 F. 2d 347.

No. 72-6002. *CHEANEY, AKA OWENS v. INDIANA*. Sup. Ct. Ind. Certiorari denied for want of standing of petitioner. *Doremus v. Board of Education of the Borough of Hawthorne*, 342 U. S. 429. MR. JUSTICE DOUGLAS would deny certiorari on grounds that petitioner, who was convicted of performing an abortion, is not a doctor and that the decisions of this Court in *Roe v. Wade*, ante, p. 113, and *Doe v. Bolton*, ante, p. 179, were confined to the condition, *inter alia*, that the abortion, if performed, be based on an appropriately safeguarded medical judgment. Reported below: — Ind. —, 285 N. E. 2d 265.

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No. 72-5988. *EISENBERG v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari for the reason stated in his dissent in No. 71-1656, *United States v. Achtenberg*, 409 U. S. 932. Reported below: 469 F. 2d 156.

*Rehearing Denied*

No. 72-5133. *BUCHANAN v. TEXAS*, 409 U. S. 814 and 1029. Motion for leave to file second petition for rehearing denied.